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53D CONGRESS, 2d Session. } SENATE. { Ex. Doc. 177, Part 2.

FUR SEAL ARBITRATION.

PROCEEDINGS

OF THE

TRIBUNAL OF ARBITRATION,

CONVENED AT PARIS

UNDER THE

TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN CONCLUDED AT WASHINGTON FEBRUARY 29, 1892,

FOR THE

DETERMINATION OF QUESTIONS BETWEEN THE TWO GOVERNMENTS CONCERNING THE JURISDICTIONAL RIGHTS OF THE UNITED STATES

IN THE

WATERS OF BERING SEA.

VOLUME II.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1895.

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FUR-SEAL ARBITRATION.

THE CASE

OF

THE UNITED STATES

BEFORE THE

TRIBUNAL OF ARBITRATION

TO CONVENE AT PARIS

UNDER THE

PROVISIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, CONCLUDED FEBRUARY 29, 1892.

INCLUDING THE REPORTS OF THE BERING SEA COMMISSION.

WASHINGTON, D. C.:
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1892.

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CASE OF THE UNITED STATES.

INTRODUCTION.

Treaty of Arbitration of 1892.

The United States of America and Great Britain entered into a Treaty on February 29, 1892, "to provide for an amicable settlement of the questions which have arisen between their respective Governments concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters"; and they resolved, by the Treaty, "to submit to arbitration the questions involved."

First five articles.

The first five articles of the Treaty, which is published in full in the Appendix,[1] relate to the organization of the Tribunal of Arbitration and to the preparation and presentation to the Tribunal of the Cases of the respective Governments. The articles which embrace a statement of the questions submitted to arbitration are as follows:

[1] Vol. I, p. 1.

Article VI.

Questions submitted

"In deciding the matters submitted to the Arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision upon each of said five points, to wit:

"1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

"2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

"3. Was the body of water now known as the Behring's Sea included in the phrase 'Pacific Ocean,' as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said Treaty?

"4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary in the Treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that Treaty?

"5. Has the United States any right, and if

so, what right of protection or property in the fur-seals frequenting the islands of the United States in Behring's Sea when such seals are found outside the ordinary three-mile limit?" Questions submitted.

ARTICLE VII.

"If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such a position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring's Sea, the Arbitrators shall then determine what concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such Regulations should extend; and to aid them in that determination the report of a Joint Commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit. Regulations for protection of seals.

"The High Contracting Parties furthermore agree to coöperate in securing the adhesion of other Powers to such Regulations."

ARTICLE VIII.

Question of fact may be submitted.

"The High Contracting Parties having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it; and being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation."

Modus Vivendi of 1892.

On April 18, 1892, the Governments of the United States and Great Britain celebrated another Treaty, known as the *Modus Vivendi*,[1] whereby it was agreed that during the pendency of the Arbitration the British Government would prohibit its subjects from seal killing in the eastern part of Bering Sea, and that the United States would limit seal killing on the Pribilof Islands to seven thousand five hundred seals; and in Article V of the *Modus Vivendi* the following

[1] Vol. I, p. 6.

question of damages was submitted to the Arbitrators:

ARTICLE V.

Question of damages.

"If the result of the Arbitration be to affirm the right of British sealers to take seals in Behring Sea within the bounds claimed by the United States, under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the Arbitration upon the basis of such a regulated and limited catch or catches as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal herds; and, on the other hand, if the result of the Arbitration shall be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens and lessees) for this agreement to limit the island catch to seven thousand five hundred a season, upon the basis of the difference between this number and such larger catch as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal herds.

"The amount awarded, if any, in either case

shall be such as under all the circumstances is just and equitable, and shall be promptly paid.'

Printed Case of United States.

In accordance with the provisions of Article III of the Treaty of February 29, 1892, the Government of the United States has the honor to submit to the Arbitrators, duly appointed in virtue of Article I thereof, this Printed Case of the United States, accompanied by the documents, the official correspondence, and the other evidence on which it relies.

Division of Case.

The body of the Case is divided into two parts. The first part embraces a consideration of the first four questions contained in Article VI of the Treaty, and is introduced by a brief geographical and historical review of Bering Sea and its adjoining coasts and islands.

The second part relates mainly to the fifth question in Article VI and to Article VII, and involves a consideration of the right of protection and property in the fur-seals frequenting the Pribilof Islands, when outside the ordinary three-mile limit. These topics will require a somewhat detailed inquiry into the seal life and industry.

There will follow a brief consideration of the question of damages submitted to the Tribunal of Arbitration.

Further provision was made in the Treaty of February 29, 1892, as follows: Further provision of Treaty.

ARTICLE IX.

"The High Contracting Parties have agreed to appoint two Commissioners on the part of each Government to make the joint investigation and report contemplated in the preceding Article VII, and to include the terms of the said agreement in the present Convention, to the end that the joint and several reports and recommendations of said Commissioners may be in due form submitted to the Arbitrators, should the contingency therefor arise, the said agreement is accordingly herein included, as follows: Joint commission to investigate seal life.

"Each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Government all the facts having relation to seal life in Behring's Sea, and the measures necessary for its proper protection and preservation.

"The four Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

"These reports shall not be made public until

they shall be submitted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators can not arise."

Reports of Commissioners.

The four Commissioners named by the two Governments have united in a joint report upon certain points under consideration by them; and, having failed to agree upon other points considered by them in their joint conferences, the two Commissioners on the part of the United States have united in a separate report to their own Government. The joint and separate reports are appended hereto for the information and consideration of the Tribunal of Arbitration.

Appendix.

The documents, official correspondence, and other evidence submitted with this Printed Case will be found contained in two printed Volumes and a portfolio of maps and charts, constituting together the Appendix. The Volumes will be referred to in the Case thus: "Vol. I, p. 1," and the maps and charts will be indicated by the numbers marked on them. The lithographic illustrations will be referred to by the pages of the Appendix which precede them.

The Government of the United States understands, however, that, under the terms of the Treaty, it may hereafter present "additional documents, correspondence, and evidence," and it reserves the right to do so.

PART FIRST.

RELATING TO HISTORICAL AND JURISDICTIONAL QUESTIONS.

PART FIRST.

RELATING TO HISTORICAL AND JURISDICTIONAL QUESTIONS.

GEOGRAPHICAL SKETCH OF BERING SEA.

Location, boundaries and dimensions.

Bering Sea is the body of water lying between the Arctic Ocean and the North Pacific Ocean. It is connected with the former by Bering Strait, and with the latter chiefly by the opening which is found between the westernmost of the Aleutian Islands and the peninsula of Kamchatka. It is sometimes referred to and treated as a great land-locked sea.[1]

Generally speaking, it may be regarded as a triangle, with the vertex in Bering Strait and bounded on the east by the mainland of Alaska, on the north and west by Siberia and the peninsula of Kamchatka, while its southerly boundary is formed by the peninsula of Alaska and the line of the Aleutian Islands extended to Kamchatka.

It has an area of about 873,128 square miles.[2]

[1] Findlay's North Pacific Directory, 2d ed., London, 1870, p. 517.

[2] Unless otherwise stated, all measurements are given in English statute miles, of which there are 69¼ to a degree.

The distance from Bering Strait to the southern boundary of the Aleutian Chain is about 1,078 miles, and its greatest width from east to west about 1,437 miles.

Bering Strait.

To the north is Bering Strait, fifty-eight miles in width, but in its narrowest portion are situated the two Diomede Islands. The shores of either side of the strait are steep and rocky.

Eastern boundary of Bering Sea.

The eastern boundary of the sea begins in a lofty hill at Cape Prince of Wales, the western limit of the continent of America and the eastern limit of Bering Strait. From Cape Prince of Wales the American coast stretches to the southward in a line broken mainly by the deep inlets of Norton Sound and Bristol Bay, between which are Cape Romanzof, Kuskoquim Bay, and Cape Newenham. The coast is generally low and marshy, no hills of any considerable size being visible. South of Bristol Bay it shoots out in a southwesterly direction into the long, narrow peninsula of Alaska, reaching westward almost to the longitude of Cape Prince of Wales. The chief rivers entering Bering Sea along this boundary are the Yukon and the Kuskokuim.

Northern and western boundary.

The northern and western boundary is in marked contrast with the eastern. It is rugged throughout, the mountains growing higher and

higher as the chain, which eventually forms the backbone of the peninsula, extends south. The shore has several indentations, the chief one of which is the Gulf of Anadyr, into which flows the Anadyr River.

Southern boundary. Peninsula of Alaska.

The peninsula of Alaska, forming a part of the southern boundary of Bering Sea, is four hundred and fifty-six miles long and about fifty miles wide, and consists of a more or less level tract interrupted by single mountain peaks or clusters of peaks. Between these peaks, especially toward the western extremity, are low-lying, marshy gaps, which form portages, used by the natives for carrying their boats across from the Pacific Ocean to Bristol Bay.[1]

Southern boundary. Aleutian Islands.

The chain of the Aleutian Islands, completing the southern boundary of Bering Sea, consists of about forty principal islands and a considerable number of islets and rocks. From the peninsula of Alaska these islands sweep in a curve, convex toward the south, to the southward and westward for one thousand and seventy-three miles to the island of Attu, and thence north and west two hundred and five miles to the Commander Islands, which are regarded by some

[1] Reclus, Nouvelle Géographie universelle, 17 volumes. Paris, 1875–1891, vol. XV, p. 201.

Southern boundary. Aleutian Islands.

geographers as a part of the same chain.[1] From the Commander Islands to the Asiatic coast the distance is one hundred and ten miles

The largest of the Aleutian Islands are Unimak, Unalaska, and Umnak, the two former being about seventy-five miles long. The straits or passes separating the islands are of various widths, those in the easterly half being generally narrow and but few of them available for navigation. The most important are Unimak Pass, eleven miles wide, and Amukta or "Seventy--two" Pass, forty-two miles wide. The entire chain is of volcanic origin, and lofty peaks rise from most of the islands. Some Alaskan or Aleutian crater is almost constantly in activity. More than thirty mountains have at various times been reported active, and new islands have been thrown up by volcanic action since the discovery of the region by the Russians.[2]

Islands in Bering Sea.

The chief islands lying within Bering Sea are the following: St. Lawrence, St. Matthew, Nunivak, Karaginski, and the Pribilof Islands.

Large portion very shallow.

A peculiar feature of Bering Sea is the extensive bank of soundings which stretches off for two hundred and fifty or more miles from the

[1] Vivien de Saint-Martin, Nouveau Dictionnaire de Géographie universelle, Paris, 1879, vol. I, p. 416; Encyclopædia of Geography, revised ed., Philadelphia, 1838, vol. III, p. 344.

[2] Reclus, vol. XV, p. 202; North Pac. Dir., p. 498 *et seq.*

American coast, rendering the easterly portion of the sea very shallow.[1] The charts show that throughout one-third of the sea the depth of the water does not, generally, exceed fifty fathoms, and they also show that the average depth of the whole sea is very considerably less than that of the adjoining ocean.[2]

Large portion very shallow.

The shores of Bering Sea are but thinly populated, the native inhabitants of those now belonging to the United States being Esquimos and Aleuts.[3] The vegetation of the coasts adjacent to Bering Sea consists mainly of rank grasses and (in the more southern parts) of alder and willow. There are no agricultural products, though the interior valleys display considerable richness of vegetation.[4] The chief commercial products of the sea and its coasts are fur-bearing animals and codfish.

Population, vegetation and commercial products.

GEOGRAPHICAL SKETCH OF THE PRIBILOF ISLANDS.

The group of islands known as the Pribilof Islands is situated in the shallow part of Bering

Location.

[1] See North Pacific Dir., pp. 517, 567.

[2] See also Wallace's Island Life, New York, 1881, p. 295, map.

[3] Reclus, vol. XV, p. 225.

[4] North Pacific Dir., p. 510; Encycl. of Geog., vol. III, p. 344; Wappäus, Handbuch der allgemeinen Geographie und Statistik, Leipzig, 1855, vol. I, part I, p. 298.

Location.

Sea, in about latitude 57° N. and longitude 170° W. It is of volcanic origin[1] and far removed from other land, the nearest adjacent points being Unalaska Island, at a distance of two hundred and fourteen miles to the southward; Cape Newenham, upon the mainland of Alaska, distant three hundred and nine miles in an easterly direction; and St. Matthew Island, distant two hundred and twenty miles to the northward.

Group consists of four islands.

The group consists, in the order of their magnitude, of St. Paul, St. George, Otter, and Walrus Islands. The first two are separated by forty miles of water. The last two are within six miles of St. Paul.

St. Paul Island.

The largest of these islands is St. Paul, situate in latitude 57° 10′ N. and longitude 170° 20′ W. It is from northeast to southwest thirteen miles long, with a maximum width of six miles. Its area is about forty-two square miles; its shore line forty-two miles. The highest hill attains an altitude of six hundred and thirty-three feet; three others exceed five hundred feet in height. The island comprises rocky uplands, rugged hills, and broad valleys, alternating with extensive bogs of moss and heather, some of which contain fresh-water ponds. Considerable stretches of

[1] Reclus, vol. XV, p. 205.

sandy beach border some of the bays, but most of the shores are rocky. The photographs submitted with this Case will enable the Tribunal to form a conception of the ruggedness of the shores and of the irregularity and confusion of the lava blocks that cover them. The average height of the upland is not over one hundred and fifty feet, but three small peaks, one of which in particular has the appearance of a crater, attain a height of nearly six hundred feet. St. Paul Island.

About forty miles to the southeast of St. Paul lies St. George, in latitute 56° 35′ N. and longitude 169° 30′ W. Its length is ten miles, while its greatest width is about four and a half miles. It has an area of thirty-four square miles, and a coast line of thirty miles. On St. George the coast rises precipitously from the sea, and is, for the most part, a succession of cliffs, with not more than six or eight miles of low-lying shores and not over a mile of sandy beach, whereas large stretches of the shores of St. Paul are of the latter character. St. George contains two hills, more than nine hundred feet in height, and united by moderately high ground. Its general altitude is about three times that of St. Paul. St. George Island.

Otter Island lies six miles south of St. Paul. It is the only one of the group upon which are found evidences of recent volcanic action. It is Otter Island.

Otter Island.

about three-fourths of a mile long and half as broad. Its north shore is low, with a broken, rocky beach; elsewhere its coast is marked by steep cliffs, which attain a maximum height of three hundred feet.

Walrus Island.

Walrus Island lies seven miles east of St. Paul. It is a narrow ledge of lava about half a mile long, and so low that in stormy weather it is washed over by the waves.

Absence of harbors.

There are no harbors at any of these islands, though both at St. Paul and St. George there is anchorage for small vessels in moderately calm weather. During the prevalence, however, of winds from certain directions it is impossible to load or unload vessels of any kind in safety. Rocks or reefs are found in the neighborhood of both these islands.

Climate.

There are, really, but two seasons upon the Pribilof Islands. Summer may be said to begin in the latter part of April, and winter in November, the change from the one to the other being very rapid. Throughout the summer the climate is humid and disagreeable. Dense fogs prevail and hang in heavy banks over the islands, the atmosphere is rarely clear, and the sun is seldom seen. So dense is the fog, that navigation in their vicinity is rendered extremely hazardous, and it is often impossible for navigators to

find them. Indeed, it is probable that their discovery was retarded on account of the prevalence of fog.[1] The summer temperature ranges between 40° and 45° F., and is highest in August. By the end of October cold winds sweep across the islands, carrying away the moisture. These winds continue throughout a large part of the winter, rendering the climate during that time most disagreeable. The winter temperature averages between 22° and 26° F. The surrounding sea generally freezes over in winter, and the ice remains until the latter part of April, when it rapidly disappears. The shallowness of the eastern portion of Bering Sea prevents any icebergs from reaching the Pribilof Islands. Further details respecting their climatic condition will be given later in the Case, when the habits of the fur-seals are discussed. Climate.

The principal mammals inhabiting the islands are fur-seals, sea-lions, and hair-seals. Formerly sea-otters and walruses were found there in abundance, but owing to indiscriminate hunting they have been exterminated. Blue foxes are common on both islands and lemmings on St. Animal life.

[1] These conditions are not confined to the Pribilof Islands, but prevail throughout a great part of Bering Sea. They are matter of common knowledge. See Beechy's Narrative of a Voyage to the Pacific Ocean and Bering Straits, London, 1831, vol. I, p. 241; North Pac. Dir., p. 531; Wappäus, p. 298.

George. Myriads of birds breed upon the high, rocky cliffs of the islands.

Inhabitants.

The group was uninhabited when first discovered, but was soon colonized by the introduction of natives from Unalaska and other islands of the Aleutian Chain. In 1890 the population of St. Paul was two hundred and forty-four souls, of which twenty-two were white; on St. George there were ninety-three souls, of which eight were white; making the total population of the group three hundred and thirty-seven. Seal meat is the staple food of the natives to-day.

Vegetation.

The vegetation resembles that of the Aleutian Islands, in that no trees are found. It consists of numerous species of grasses of an intensely green color, and of many kinds of wild flowers, which grow in abundance.

DISCOVERY AND OCCUPATION OF THE SHORES AND ISLANDS OF BERING SEA.

Bering's first expedition.

The exploration of Bering Sea and of the coasts and islands of America which surround it followed upon, and was the direct result of, the occupation[1] of Eastern Siberia and the peninsula of

[1] Voyage to the Pacific Ocean under the direction of Capt. Cook and others, London, 1784, vol. III, pp. 359–383; Coxe's Russian Discoveries between Asia and America, London, 1804, p. 317 *et seq.*; Müller, Voyages from Asia to America, translated by Jeffries, London 1764, 2d ed., pp. 1–44.

Kamchatka by the Russians in the seventeenth century. As early as 1648 a Russian ship is reported to have sailed from the Arctic Ocean through Bering Strait to Kamchatka[1]; but not until the reign of Peter the Great was any organized effort made to explore the unknown regions of this sea. The execution of his plans, owing to his death, devolved upon his successor, Empress Catherine. The first expedition, under Vitus Bering, sailed from Kamchatka in 1728 in a northeasterly direction. After discovering St. Lawrence Island it passed through the strait which has since been known by the name of the great navigator.[2] Another part of this expedition reached the continent of America in about latitude 65°, in the vicinity of the mouth of the Yukon River.[3]

Bering's first expedition.

In 1741 Bering started out on his second expedition. It consisted of two parts, both of which discovered the continent of America. Upon his homeward voyage Bering landed at the Shumagin Islands, sighted a large number of the Aleutian Islands, and was finally shipwrecked

Bering's second expedition.

[1] See map in Müller's Voyages; Cook, vol. III, p. 361; Burney's History of Northeastern Voyages of Discovery and of the Early Eastern Navigations of the Russians, London, 1819, p. 60 *et seq.*

[2] Müller, p. 48. The name was conferred by Cook in 1778: Greenhow's Memoir on the Northwest Coast of America, Senate Doc. No. 174, Twenty-sixth Congress, first session, p. 82.

[3] Müller, p. 55, and map (frontispiece); Burney, p. 130.

on the Commander Islands. He died upon the one which was subsequently named for him.[1]

Resources of Commander Islands made known.

This last expedition made known the valuable fur resources of the Commander Islands, and brought back to Siberia large quantities of the skins of sea-otters, fur-seals, and foxes. This led to the organization of many private expeditions, and one adventurer, Bossof, is reported to have gathered on these islands furs to the value of at least one-half million dollars between the years 1743 and 1749.[2] The voyages at this period were numerous and indicate great activity throughout the Aleutian Chain, island after island being discovered by private Russian adventurers.[3] Discovery and subjugation to Russian rule went hand in hand with trade, the rich merchants of Moscow furnishing in great measure the money which sustained the cost of discovery; and Cook, writing in 1784, says that the Russians had conquered the Aleutian Islands and made them tributary.[4] Several navigators under Russian Imperial authority made further expeditions into Bering Sea and visited various parts of the coasts, but it was not until the year 1786

[1] Müller, pp. 93–97, and map (frontispiece); Cook, vol. III, p. 372; Burney, p. 176.

[2] Berg, Chronological History of the Discovery of the Aleutian Islands, or the Achievements of Russian Merchants, and also an Historical Review of the Fur Trade, St. Petersburg, 1823, p. 1 *et seq.*

[3] Burney, pp. 183–185; Coxe, pp. 86–110.

[4] Cook, vol. III, p. 372.

Discovery of Pribilof Islands; due to search for furs.

that the most important of all the discoveries in this sea, that of the Pribilof Islands, was made. It was brought about by the same cause which led to all the other enterprises in these regions, the search for furs. The Russians had already become acquainted with the fur-seals upon the Commander Islands. They had also noticed what is to-day known as the Pribilof herd, as it passed semiannually through the channels of the Aleutian Islands; and as the supply of sea-otters diminished, they began exerting themselves to ascertain upon what shores these fur-seals landed. Much time was spent in following them both upon their northward and southward courses. In 1786 the final search for them was undertaken by Gerassim Pribilof, who for five years had been employed by one of the leading trading companies and was regarded as one of the best navigators of that region. For three weeks he cruised in the neighborhood of the Pribilof group in a dense fog without finding it. "At last," says Veniaminof, "fate, as if relenting, yielded to the untiring efforts of an enterprising man and lifted the curtain of fog, revealing the eastern part of the island nearest the Aleutian Archipelago . . . ."[1] This

[1] Veniaminof's Notes on the Islands of the Unalaska District, St. Petersburg, 1840, part 1, p. 271.

island was named St. George. In the following year the island of St. Paul was discovered.

Cook's expedition to Bering Sea.

Meanwhile, in the year 1778, the English navigator, Captain Cook, had appeared in Alaskan waters, in coöperation with an expedition sent by the British admiralty to Baffin Bay in the hope that a northern passage might be discovered from the Pacific to the Atlantic.[1] After visiting certain points on the Pacific coast of Alaska, he passed into Bering Sea and sailed along the eastern shore as far as Bering Strait, giving names to various places, among which are those of Bristol Bay and Norton Sound. At several points on the coast which he visited he found clear evidence of Russian influence and customs, and he confirmed in the strongest manner the early Russian discoveries. His visit was never followed up by settlement, and it resulted in no acquisition of territory or claim thereto by his Government.[2]

Subsequent Russian expeditions.

In 1791 an expedition, planned by Catherine II, passed from the Aleutian Islands to the northern parts of Bering Sea, including St. Lawrence

[1] Burney, pp. 219, 220.

[2] On the contrary, it inured largely to the benefit of the Russians, of whom Cook, in his third volume, at page 373, predicts that "they will undoubtedly make a proper use of the advantages we have opened to them by the discovery of Cook's River (Inlet)." See, also, Coxe, p. 206.

Island and Cape Rodney, and returned along the Asiatic coast. Other expeditions followed at various times, an important one being that of Korasakovsky, who, in 1818, made a thorough exploration of a great part of the eastern shore of the sea and established a fort at the mouth of the Nushagak.[1]

Subsequent Russian expeditions.

The great wealth to be derived from the fur-bearing animals led to permanent settlements, the subjugation of the native tribes, and the establishment of forts or trading posts by the Russians on various of the Aleutian Islands, on the Pribilof Islands, and on the eastern mainland of Bering Sea during the latter part of the eighteenth and early years of the nineteenth centuries. Thus, by first discovery, occupation, and permanent colonization, the shores and islands of Bering Sea, the Aleutian Chain, and the peninsula of Alaska became, probably as early as 1800, an undisputed part of the territory of the Russian Empire.[2]

Shores and islands became Russian territory as early as 1800.

[1] The whole of this shore, together with other territory, had already been claimed by Russia in the ukase of 1799, reference to which will be hereafter more fully made. See, generally, upon the whole of the foregoing subject Vivien de Saint-Martin, vol. I, "Alaska," pp. 55, 56.

[2] See "Russia's Early Title to parts of the Coast of America," Vol. I, p. 12.

CLAIMS TO THE NORTHWEST COAST OF AMERICA.

Early competition for possession of coast of America.

While the title of Russia to the territory north and west of, and including, the peninsula of Alaska was universally recognized, her claim to the Northwest Coast of the American continent, by which term it is intended to designate the coast between Prince William Sound and the mouth of the Columbia River, was earnestly disputed by more than one powerful nation. During the latter part of the last century and the early years of the present, Great Britain, Spain, and the United States were competing with Russia by way of exploration, trade, and colonization for the possession of the Northwest Coast of America.

Russian competition. Settlement at Kadiak Island.

As early as 1741 Tcherikof, a Russian Captain under Bering's command, visited the coast in about latitude 55° N.;[1] but the earliest permanent settlement east of the Aleutian Chain was made at Kadiak Island in 1784 by Shelikof,[2] an enterprising merchant, who afterwards laid the foundation for the Russian American Company. A trading post, dwelling houses, and fortifications were erected and a school established. Later, cruises were undertaken from Kadiak to the ad-

[1] Müller's Voyages, map (frontispiece).
[2] Coxe, p. 207 *et seq.*

joining islands and the mainland around Cook's Inlet, Prince William Sound, and Yakutat Bay.[1] The influence of the Kadiak colony in the adjoining continent is told by Coxe in these words: "The settlement formed by Shelikof in the isle of Kadiak has more contributed to spread the extent of the Russian trade and power in the North Pacific Ocean than any of the preceding expeditions. He sent out detached parties, who formed establishments on various parts of the American continent and kept the natives in due order and subjection."[2] In one of these cruises, made under Shelikof's direction, the continent was reached near Prince William Sound, and the coast was followed and carefully explored to the east and south beyond latitude 50°. Coxe says, speaking of the traders who conducted this cruise: "By comparing their accounts with the narratives of Cook, Portlock, Meares, and Vancouver, we have been able to ascertain most of the harbours and places at which they touched, and the general agreement with the accounts given by the English navigators proves the accuracy of their description."[1] At Yakutat, in June, 1788, they took formal possession of the country and received

Russian competition. Settlement at Kadiak Island.

[1] Coxe, p. 232.

[2] Coxe, p. 264. See also *ibid.*, pp. 268, 269, 273.

Russian competition. Settlement at Kadiak Island.

from the native chief tokens of his acceptance of Russian dominion.[1] As further evidence of Russian occupation of the mainland of the Northwest Coast the launching of a vessel in 1794 from the shores of Prince William Sound is chronicled, this being the first ship built in Alaska.[2]

Founding of Sitka.

But the most important step taken by Russia to permanently establish her authority over the islands and adjoining shores of the Northwest Coast of the continent was the founding in the beginning of the present century of New Archangel (afterwards Sitka),[3] which soon became a fortress, the principal trading post, and the seat of government of the Russian American possessions. From Kadiak, first, and from Sitka, later, the Russian merchants continued to push their traffic with the natives along down the mainland toward the Columbia River, and in 1812 they had even established a colony on the coast of California,[4] called Fort Ross, a few miles north of the Bay of San Francisco. As early as 1810 Russia had gone so far as to inform the United

[1] See, generally, Coxe, pp. 240–254.

[2] Tikhmenief's Historical Review of the Development of the Russian American Company and of its Operations up to the present Time, St. Petersburg, 1861, vol. I, p. 40.

[3] Vivien de Saint-Martin, vol. I, p. 56. The year 1802 is generally taken as the date of the founding of Sitka.

[4] Greenhow's Memoir, pp. 9, 148; Vivien de Saint-Martin, vol. I, p. 56.

States that she claimed the coast to the Columbia River.[1]

British competition.

On the other hand, Great Britain early laid claim to portions of this same Northwest Coast. Drake is believed by some to have touched it in his discoveries in 1579.[2] The famous British navigator, Captain Cook, appeared there in 1778, visited Prince William Sound and Cook's Inlet, and (as already noticed) passed into Bering Sea. Cook's voyages were followed by those of Portlock, Dixon, Meares, and Vancouver. English traders, and especially the powerful Northwest Company (which in 1821 became united with the Hudson's Bay Company), were rapidly extending their enterprise to the coast between the Columbia River and latitude 56° N. and thus coming into competition and conflict with the merchants and traders of other countries, including those of Russia.[3]

Spanish competition.

So, also, Spain, following up the occupation of California, soon after the middle of the eighteenth century began laying her plans for a complete occupation of the whole of the western coast of America washed by the waters of the Pacific

[1] American State Papers, Foreign Relations, vol. V, p. 442. See, also, generally, "Russia's Early Title to the Coast of America," Vol. I, p. 12.

[2] Burney's History of Discoveries in the South Sea, London, 1803, vol. I, p. 356. See, also, Greenhow's Memoir, p. 37.

[3] London Quarterly Review, vol. XXVI, pp. 344–347.

Spanish competition.

Ocean, and in doing this she was actuated largely by knowledge of the fact that the Russians had a similar object in view.[1] Prior to 1768 the Spanish navigators had explored it up to latitude 43°, and in 1774, 1775, and 1779 they visited various portions of the same as far north as Prince William Sound, taking possession of much of the country on behalf of their sovereign; and an examination of the map of that region of the present day attests, in the geographical names, the early presence of the Spanish discoverers.[2] As late as 1790 Spain asserted her right to the Northwest Coast to latitude 60° N.[3]

The Nootka Sound controversy.

Some of the Spanish claims were brought to an issue in 1789 in the Nootka Sound controversy, which was the first dispute between European nations in regard to any territory lying between San Francisco and Prince William Sound. Nootka Sound is situated on the west side of Vancouver Island in about latitude 50° N.[4] In 1789, on being informed that Russia was intending to occupy it, the Spanish Government sent out two men-of-war with orders to anticipate her and drive away all foreigners. No trouble of

[1] Greenhow's Memoir, pp. 52, 96.

[2] Vivien de Saint-Martin, vol. I, p. 56; Greenhow's Memoir, p. 57 and chap. IV.

[3] American State Papers, Foreign Relations, vol. V, p. 444.

[4] It appears to have been discovered, and was named, by Cook in 1788. Greenhow's Memoir, p. 82.

any kind with Russia arose out of these measures,[1] but the Spanish naval commander having seized two vessels engaged in trade there, together with certain houses and land, all of which the British Government claimed to be the property of British subjects, the act of seizure was vigorously and successfully resented, and as a result of a heated controversy the treaty of 1790 was celebrated between Great Britain and Spain.[2] Article III of that treaty is, in part, as follows: "It is agreed that the respective subjects shall not be disturbed or molested either in navigating or carrying on their fisheries in the Pacific Ocean, or in the South Seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country or of making settlements there; the whole subject, nevertheless, to the restrictions specified in the three following articles."

The Nootka Sound controversy.

Treaty of 1790 between Great Britain and Spain.

This stipulation is of special significance, as it constituted a basis of the adjustment made by Russia with the United States in 1824 and with Great Britain in 1825, respecting the navigation of the Pacific Ocean and the conflicting claims to the territory on the Northwest Coast.

[1] American State Papers, Foreign Relations, vol. V, p. 415.
[2] Vol. I, p. 32. See Greenhow's Memoir, chap. VI.

American competition.

The partial navigation of the Columbia River by the American navigator, Captain Gray, in 1792, the expedition of Lewis and Clarke across the Rocky Mountains in the years 1803 to 1805,[1] and the establishment of the Pacific Fur Company on the Pacific coast in the early years of the present century, gave to the United States a permanent lodgment on the Northwest Coast and constituted the basis of an active competition on the part of that nation for the sovereignty and trade of a considerable part of the shores and waters of the Pacific.[2] The troubles which early in this century arose between the United States and Great Britain as to ownership of these coasts were left undetermined by the treaty of Ghent, following the war of 1812; and in 1818, being still unable to adjust the respective claims, the two powers agreed that all territory in dispute claimed by either of them between the Rocky Mountains and the Pacific Ocean should, with its harbors, bays, and rivers be open and free for ten years to the vessels and citizens of both nations,[3] and not until 1846 were their respective territorial rights on the Northwest Coast permanently settled by treaty.

[1] Greenhow's Memoir, p. 126 *et seq.*, p. 149.

[2] Greenhow's Memoir, pp. 152–158.

[3] Treaty of 1818 between the United States and Great Britain, Vol. I, p. 34.

The claims of Spain to this region were transferred to the United States by the treaty of 1819.[1]

This competition certain to result in international conflict.

It thus appears from the foregoing historical review that, while the claim of Russia to the territory embracing the Aleutian Islands, the peninsula of Alaska, and the coasts and islands of Bering Sea was undisputed, the shores and the adjacent islands of the American continent south of latitude 60° as far as California were during the latter part of the eighteenth and the first quarter of the present century the subject of conflicting claims on the part of Russia, Great Britain, Spain, and the United States. This condition of affairs indicated that an international conflict was likely to come sooner or later, and it was foreshadowed in an article printed in the London Quarterly Review of 1814, in which it was said: "How long the continent of America will afford a supply of furs and peltry to the contending traders of England, Russia, and the United States, we pretend not to determine, but we believe they have each of them lately experienced some difficulty in supplying the usual demand for those of the most valuable description. An increasing scarcity can not fail to produce a collision of interests and disputes, which at one time or other will probably terminate in a war."[2]

[1] Vol. I, p. 34.

[2] London Quarterly Review, Vol. XI, p. 292.

THE RUSSIAN AMERICAN COMPANY.

Its political and commercial importance.

Having thus presented a brief sketch of the political condition of affairs in the early part of this century in the territory surrounding Bering Sea and on the Northwest Coast of America, it is proper, before entering upon a consideration of the events of international importance which follow, to refer to the organization and early history of the Russian American Company, an association which for a period of over sixty years carried on trade and administered public affairs throughout a great part of these regions. In the extent and variety of its operations it occupies a position similar to that held by the East India and the Hudson's Bay Companies; and its history is also the history of that portion of the globe to which the attention of the Tribunal of Arbitration is directed.

The outgrowth of trading associations.

The Russian American Company was the outgrowth of the numerous trading associations,[1] which, soon after the discoveries of 1741, began to develop the lucrative fur trade in the Aleutian Islands and Bering Sea. The rivalry and competition which grew up between them proved in many ways disastrous[2] and resulted eventually

[1] For a detailed account of same, see Berg, p. 1 *et seq.*

[2] Tikhmenief, vol. I, p. 61.

in placing the fur trade of the Colonies under the control of a single powerful organization.[1] This was accomplished in 1799, in which year a ukase was issued, creating the "Russian American Company" and containing its first charter.[2]

Chartered in 1799.

This ukase invested it with special and exclusive privileges for a period of twenty years on the shores of northwestern America between latitude 55° N. and Bering Strait, on the Aleutian Islands, the Kurile Islands, and the islands of the Northeastern or Bering Sea. To it was reserved the exclusive right to all products of the chase and of commerce in those regions; and it was specially authorized to take possession on behalf of the Imperial Government of newly discovered countries, both to the north and to the south of latitude 55° on the coast of America. It was authorized to establish agencies within and without the empire, and to use a seal and and a flag bearing the Imperial coat of arms. Its chief place of business, which was originally at Irkutsk, was soon transferred to St. Petersburg, where its shareholders, none of whom were allowed to be foreigners, embraced members of the Imperial family and the high nobility.

Its rights and privileges under first charter.

[1] Vivien de Saint-Martin, vol. I, p. 56.
[2] Vol. I, p. 14.

While the privileges conferred by this charter were very great, the Company was, on the other hand, burdened with some heavy obligations. It was compelled at its own expense to carry on the government of the region over which its privileges extended, to maintain courts, the church, and a small military force, and, at a later period, to hold ready at various points on the coast provisions and stores for the use, in cases of emergency, of the naval vessels or troops of the Russian Government.

Its obligations.

Its mode of government.

For the purposes of administration the Imperial Government and the directors of the Company jointly appointed a chief manager, who resided at Sitka, and who at an early date was required to be an officer of the navy of high rank. His powers were absolute within the territory over which the Company exercised jurisdiction. Under him were sub-managers, overseers, and other agents. Reports of the Company's transactions were submitted originally to the Minister of the Interior, and later to the Minister of Finance.

Officers of Imperial navy engaged in its service.

Dating from the year 1802 officers of the Imperial navy were constantly in the employ of the Company. As long as it maintained a military and naval force in the Colonies at its own expense, such forces were entirely at the dis-

posal of the chief manager, who had the privilege of selecting the soldiers and sailors from any force stationed within the boundaries of Siberia. Even the officers of those naval vessels which were not maintained at the expense of the Company, and which were sent out to the Colonies by the Imperial Government, were generally enjoined to obey the orders of the chief manager, and it will be made to appear from papers which will be hereafter cited that such orders were freely given.

Officers of Imperial navy engaged in its service.

Under its charter the Company paid no royalty or rent to the Government, but as its trade consisted chiefly in the exchange of furs for teas on the Chinese frontier, the Government received large sums through the duty collected on such teas.

Paid no royalty.

In short, the Company administered both government and trade throughout the whole of the territory over which it was given control.[1]

Summary.

[1] See in reference to all that has been said regarding the rights, obligations, and government of the Russian American Company: Regulations of the United American Company, Tikhmenief, vol. I, app., pp. 1–19; Charter of 1799, Vol. I, p. 14; ukase and charter of 1821, vol. I, pp. 16 and 21; "Additional Facts relating to the Russian American Company," Vol. I, p. 9; Tikhmenief, vol. II, app., pp. 17-63.

THE UKASE OF 1821.

Ukase of 1821 and second charter of the Company.

On the 4th of September, 1821, this famous ukase was made public, and nine days later, on the 13th of September, 1821, the Emperor renewed with certain additions for another term of twenty years the charter and privileges granted in 1799 to the Russian American Company. Both the ukase and the new charter appear in full in the Appendix.[1]

Purpose of the ukase.

The objects which were sought to be obtained by the promulgation of the ukase appear from the recital prefixed to it, which is as follows: "Observing from Reports submitted to us that the trade of our subjects on the Aleutian Islands and on the North West Coast of America appertaining unto Russia is subjected, because of secret and illicit Traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of Rules establishing the Boundaries for Navigation along these Coasts, and the order of Naval Communication as well in these places as on the whole of the Eastern Coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these Communications by specific Regulations which are hereto attached."

[1] Vol. I, pp. 16, 24.

Its title and first two sections are as follows: Its title and first two sections.

"Rules established for the Limits of Navigation and order of Communication along the Coast of Eastern Siberia, the Northwest Coast of America, and the Aleutian, Kurile, and other Islands.

"§ 1. The pursuits of Commerce, whaling, and fishery, and of all other Industry on all Islands, Ports, and Gulfs, including the whole of the Northwest Coast of America, beginning from Bering's Straits to the 51° of Northern Latitude, also from the Aleutian Islands to the Eastern Coast of Siberia, as well as along the Kurile Islands, from Bering's Straits to the South Cape of the Island of Urup, viz, to the 45° 50′ Northern Latitude, is exclusively granted to Russian subjects.

"§ 2. It is, therefore, prohibited to all Foreign Vessels, not only to land on the Coasts and Islands belonging to Russia as stated above; but also to approach them within less than a Hundred Italian Miles.[1] The Transgressor's Vessel is subject to confiscation along with the whole Cargo."

The reason why the limit of one hundred miles was chosen appears from a letter written by Mr. Reason why limit of 100 miles chosen.

[1] An Italian mile is the equivalent of a geographical mile, of which there are sixty to a degree.

Reason why limit of 100 miles chosen.

Middleton, United States Minister at St. Petersburg, to the Secretary of State, dated August 8, 1822, giving an account of an interview with the Governor-General of Siberia, who had been one of the committee originating this measure. The Governor-General said it was sought to establish "limits to the marine jurisdiction on their coasts, such as should secure to the Russian American Fur Company the monopoly of the very lucrative profit they carry on. In order to do this they sought a precedent, and found the distance of thirty leagues, named in the Treaty of Utrecht, and which may be calculated at about one hundred Italian miles, sufficient for all purposes."[1] As a similar and more recent precedent, though not for so great an extent of sea jurisdiction, might have been cited the fourth article of the Nootka Sound convention between Great Britain and Spain, already referred to, whereby the former conceded to the latter exclusive jurisdiction of the sea for ten leagues from any part of the coasts already occupied by Spain.[2]

This limit enabled Russia to protect seal herd of Pribilof Islands.

The Pribilof Islands, the home of the Alaskan seal herd, are situated less than two hundred Italian miles from the Aleutian Chain on the south, and thus a sufficient portion of the eastern

[1] Mr. Middleton to Mr. Adams, August 8, 1822, Vol. I, p. 135.
[2] Vol. I, p. 32.

half of Bering Sea was covered by the ukase to enable Russia to protect the herd while there.

Ukase declaratory of existing rights.

In so far as it affected that sea and its shores, Russia regarded the ukase as merely declaratory of existing rights. The board of administration of the Russian American Company, writing from St. Petersburg to the chief manager of the Russian American Colonies at Sitka on September 20, 1821, says: "With this precious act in your hand you will be enabled to assume a new position and to stand firmly opposed to all attempts on the part of foreigners to infringe upon our rights and privileges. In accordance with the will of His Imperial Majesty we will not be left to protect unaided the land and waters embraced in our exclusive privileges. A squadron of naval vessels is under orders to prepare for a cruise to the coasts of northeastern Asia and northwestern America. . . . We can now stand upon our rights, and drive from our waters and ports the intruders who threaten to neutralize the benefits and gifts most graciously bestowed upon our Company by His Imperial Majesty."[1]

[1] Vol. I, p. 59. This and other documents hereinafter cited, relating to the affairs of the Russian American Company, belong to the official records or archives of the territory which was ceded to the United States by Russia by the treaty of 1867. They came into the possession of the United States by virtue of the second article of that treaty and are now in the archives of the Department of State at Washington. Fac-similes of all the original documents referred to herein will be found at the end of Vol. I.

In a letter dated February 28, 1822, from the board to the chief manager of the Colonies, we find the following statement: "As to fur-seals, however, since our Gracious Sovereign has been pleased to strengthen our claims of jurisdiction and exclusive rights in these waters with his strong hand, we can well afford to reduce the number of seals killed annually, and to patiently await the natural increase resulting therefrom, which will yield us an abundant harvest in the future."[1]

Under ukase of 1799 foreign vessels not permitted to hunt or trade in Bering Sea.

The official Russian records show that after the ukase or charter of 1799, granting to the Russian American Company certain exclusive control of trade and colonization, its authorities, acting under the sanction of the Russian Government, did not permit foreign vessels to visit Bering Sea. The trading and hunting rights of the Company were jealously guarded there prior and up to 1821, as will appear from the documents about to be cited; and whatever creation or extension of exclusive Russian jurisdiction was intended to be effected by the promulgation of the ukase of that year applied to the Pacific Ocean proper, and to the coasts and islands east and south of the peninsula of Alaska. The only effect which could have been intended by that

[1] Vol. I, p. 61.

edict upon the coasts and waters of Bering Sea and the Aleutian Islands was to strengthen and confirm the jurisdiction theretofore exercised by Russia, and this is made clearly to appear from the official documents of that period.

Under ukase of 1799 foreign vessels not permitted to hunt or trade in Bering Sea.

On April 9, 1820, the Russian Imperial Minister of Finance, upon a report of a committee of ministers appointed by the Emperor to obtain information respecting the Russian American Colonies, from which report it appeared that illicit visits of foreign vessels to Alaskan waters were being made, addressed an official communication to the Imperial Minister of Marine, in which, after referring to this report, he states that "it appears of the most imperative necessity for the preservation of our sovereignty in the northwestern part of America and on the islands and waters situated between them, to maintain there continuously two ships of the Imperial fleet." He suggests that these two vessels should be dispatched during that year, one to cruise from Sitka westward and northward, and after "having thoroughly examined the shores of the Aleutian Islands, the coast of Kamchatka, the Kurile Islands and the intervening waters," to winter in Petropavlovsk on the Asiatic coast. "The other ship, however, (sailing from Petropavlovsk), having examined the eastern coast of the Kamchatka

Request of Minister of Finance in 1820 and 1821 that cruisers be dispatched to protect Company's interests in Bering Sea.

Request of Minister of Finance in 1820 and 1821 that cruisers be dispatched to protect company's interests in Bering Sea.

peninsula up to 62° of northern latitude, and the west coast of America from this latitude to the island of Unalaska, and the intervening waters (Bering Sea), should proceed to Kadiak and from there to Sitka for the winter. The object of the cruising of two of our armed vessels in the localities above mentioned is the protection of our Colonies and the exclusion of foreign vessels engaged in traffic or industry injurious to the interests of the Russian Company as well as to those of the native inhabitants of those regions."

In the following year, 1821, two similar ships were to be dispatched, and in "this manner two ships of war would always be present in the Colonies and the Company would be assured of their protection."[1]

Killing of fur-seals at sea to be prevented.

The board of administration of the Russian American Company, writing March 15, 1821, from St. Petersburg to the chief manager of the Colonies at Sitka, with full knowledge of the report of the committee of ministers and the action of the Ministers of Finance and of Marine of the year previous, clearly intimates the duty these war ships were to perform. In giving instructions as to the management of the fur-seals on the Pribilof Islands, it says: "We must

[1] Vol. I, p. 49.

suppose that a total suspension of killing every fifth year will effectually stop the diminution of the fur-seals, and that it will be safe at the expiration of the close season to resume killing at the rate mentioned above (fifty thousand annually). By a strict observance of such rules, and a prohibition of all killing of fur-seals at sea or in the passes of the Aleutian Islands, we may hope to make this industry a permanent and reliable source of income to the Company, without disturbing the price of these valuable skins in the market."[1]

Killing of fur-seals at sea to be prevented.

In 1819 Riccord, the then commander of Kamchatka, acting under advice of one Dobello, a foreigner in the employ of the Russian Government, granted to an Englishman named Pigott the right for ten years to hunt whales on the coast of Eastern Siberia.[2] This grant was at once repudiated by the Government. A considerable amount of correspondence resulted, which illustrates the complete control which Russia claimed and actually exercised over Bering Sea prior to 1821, and how jealous she and her chartered Company were of the intrusion of foreigners.

The Pigott affair. Certain contracts with foreigners annulled. Control exercised over Bering Sea prior to 1821.

Under date of April 10, 1820, the Minister

[1] Vol. I, p. 58.

[2] Tikhmenief, vol I, pp. 192–200.

The Pigott affair, continued.

of Finance wrote to the board of administration of the Russian American Company for its guidance in part as follows: "The commander of the government of Irkutsk is hereby instructed to forbid any foreigners, except such as have become Russian subjects, to enter the mercantile guilds, or to settle in business in Kamchatka or Okhotsk; also to entirely prohibit foreign merchant vessels from trading in these localities and from anchoring in any port of Eastern Siberia, except in the case of disaster. . . . It is hereby ordered that the local authorities shall inform the Englishman Davis at Okhotsk and Dobello's agent in Kamchatka that the Government does not permit them to reside in those places, much less to erect buildings or other immovable property."

In the same dispatch the minister said: "Having for the benefit of the American Company excluded all foreigners from Kamchatka and Okhotsk and prohibited them from engaging in trade and from hunting and fishing in all the waters of Eastern Siberia, the Government fully expects that the Company, on its part, will hold itself responsible for supplying those regions with all necessaries." And again: "In conclusion, it is stated as the decision of His Majesty,

the Emperor, in view of possible future complications of this nature, that no contracts involving the free admission or navigation for trade of foreign ships or foreign subjects in the waters adjoining or bounded by the coasts of Russian colonies will be approved by the Imperial Government."[1]

Foreigners prohibited from visiting waters frequented by sea-otters and fur-seals.

On April 23, 1820, the board of administration of the Company at St. Petersburg wrote to the chief manager of the Colonies at Sitka, and, after reciting the contents of the foregoing letter, continued: "As soon as the Imperial Government ascertained that the contracts made (viz., those with Pigott) were in open violation of the privileges granted the Company, it prohibited at once all foreigners not only from settling in Kamchatka and Okhotsk, but also from all intercourse with those regions, enjoining the authorities to maintain the strictest surveillance over their movements. Basing your own action upon this proceeding of our Highest Protector, you, as commander of all our Colonies, must prohibit with equal strictness all foreigners from engaging in any intercourse or trade with native inhabitants, as well as from visiting the waters frequented by sea-otters and fur-seals, over which our operations extend, under penalty of the most severe measures, including the confiscation of

[1] Vol. I. p. 51.

Foreigners prohibited from visiting waters frequented by sea-otters and fur-seals.

ships and the imprisonment of crews engaged in this illegal traffic. You must act with the greatest severity in cases where foreigners have sold to the natives arms, powder, and lead. They must be made to understand that their presence in our waters is contrary to our laws, and that they will never be admitted to any port unless you or your subordinates convince yourselves that such is necessary for the saving of life. In a word, you must preserve an attitude in full accord with the views of the Imperial Government on this subject, and protect against all intruders the domain of land and water granted to us by the grace of the Emperor and necessary for our continued existence and prosperity. You must transmit these instructions without delay to your subordinate commanders for their conduct in their intercourse with foreigners, and especially to the commanders of ships navigating our waters, to enable them to drive away the foreign intruders."[1]

The Pigott affair, continued.

This question of the contract with foreigners was again referred to in a letter from the board of administration to the chief manager of the Colonies, March 31, 1821. Speaking of Messrs. Riccord, Dobello, and Pigott, it is said: "From

[1] Vol. I, pp. 53, 54.

the copy herewith inclosed of communications from the ministries, you will see that the Imperial Government not only repudiated Messrs. Riccord, Dobello, and Pigott, but also prohibited them altogether from trading in Okhotsk and Kamchatka, with the result that to-day the foreigners have abandoned their enterprise in that region, and no other foreigners will be allowed to visit these places in the future. The principles involved in this action of the Government you must also observe in dealing with foreigners who may visit our Colonies, using all the force at your command to drive them from our waters. Together with our new privileges, which have already been promulgated by the minister and which are only awaiting the return of our Monarch, we shall also receive definite instructions how to deal with foreigners who venture to cross the limits of possessions acquired long ago through Russian enterprise and valor."[1]

The Pigott affair, continued.

It thus appears from the foregoing citations that, so far as it concerned the coasts and waters of Bering Sea, the ukase of 1821 was merely declaratory of preëxisting claims of exclusive jurisdiction as to trade, which had been enforced therein for many years. The ukase of 1799, which set forth a claim of exclusive Russian juris-

Summary.

Protests directed to claim of jurisdiction over Pacific Ocean and to claim to coast of continent.

[1] Vol. I, p. 55.

Protests directed to claim of jurisdiction over Pacific Ocean and to claim to coast of continent.

diction as far south as latitude 55°, called forth no protest from any foreign powers, nor was objection offered to the exclusion of foreign ships from trade with the natives and hunting fur-bearing animals in the waters of Bering Sea and on the Aleutian Islands as a result of that ukase and of the grant of exclusive privileges to the Russian American Company. It was only when the ukase of 1821 sought to extend the Russian claim to the American continent south to latitude 51°, and to place the coasts and waters of the ocean in that region under the exclusive control of the Russian American Company, that vigorous protests were made by the Governments of the United States and Great Britain. And the correspondence which grew out of those protests[1] shows that they were inspired by the claim of jurisdiction over large portions of the Pacific Ocean (as distinguished from Bering Sea) and by the conflicting claims of the three nations to the coast over which Russia sought to extend exclusive authority. The United States and Great Britain had for years before the publication of that ukase been competitors for the trade and the ownership

[1] Vol. I, pp. 132–152. Only such portion of the correspondence between Great Britain and Russia is given, as was inclosed in Lord Salisbury's note to Sir Julian Pauncefote, dated August 2, 1890, Vol. I, p. 242.

of the coasts and islands lying between latitudes 51° and 55°, on what was known as the Northwest Coast, and their citizens and subjects had been actively engaged with their ships in hunting and trading on those shores and waters, and it was natural that they should vigorously protest against the attempt of Russia to exclude them from that region. On the other hand there is no record that such hunting or trading had ever been carried on by them within Bering Sea. The history of the period and the locality, the discussion which followed the ukase, and the treaties which were the result of it, attest that the object of both the United States and Great Britain in contesting the pretensions of Russia in this matter was to maintain their respective claims to the territory indicated, to preserve intact their valuable trade with the natives on the Northwest Coast, and to enjoy the free navigation of the Great Ocean which washed that coast.[1]

Protests directed to claim of jurisdiction over Pacific Ocean and to claim to coast of continent.

THE TREATIES OF 1824 AND 1825.

The controversy which followed the promulgation of the ukase of 1821 resulted in a treaty between the United States and Russia in 1824,[2]

Settled the twofold dispute.

[1] See Vivien de Saint-Martin, vol. I, p. 56.
[2] Vol. I, p. 35.

Settled two-fold dispute.

and one between Great Britain and Russia in 1825.[1] These two treaties settled the twofold dispute which had been raised by the ukase, namely, first, the maritime dispute; second, the territorial dispute relating to the Northwest Coast.

Bering Sea not included in terms used to denote Pacific Ocean.

The maritime dispute was settled by the first articles. That of the British treaty was, at the request of the British negotiators,[2] copied almost verbatim from the corresponding article of the American treaty, and the latter was based upon the third article of the convention of 1790 between Great Britain and Spain.[3]

That the term "Great Ocean, commonly called the Pacific Ocean or South Sea," used in article I of the treaty of 1824 with the United States, and the term "The Ocean, commonly called the Pacific Ocean," used in article I of the treaty of 1825 with Great Britain, did not apply to and include Bering Sea, is shown by a study of the maps, charts, and writings of navigators[4] at the time of and prior to the negotiation and celebra-

[1] Vol. I, p. 39.

[2] Letter G. Canning to S. Canning, Dec. 8, 1824, Vol. I, p. 260.

[3] Vol. I, p. 32.

[4] Burney, speaking of the "line of boundary which seems designed by nature for this great sea," says: "The northern limits are marked by the continuation of the American Coast from Mount St. Elias towards the west with the chain of islands called the Fox and the Aleutian Islands." Burney's Chronological History of the Discoveries in the South Sea or Pacific Ocean, London, 1803, vol. I, p. 2.

tion of these treaties. A list of these maps and charts is appended hereto,[1] and a careful examination of the same is invited. It will be seen from them that the best geographers have at all times distinguished this body of water from the ocean lying south of it by conferring upon it some separate name, in most cases either that of Sea of Kamchatka, Bering Sea, Northeastern Sea, or Eastern Ocean.[2]

Express declarations of Russian Government on this subject.

But in addition to the correspondence attending the negotiations, the text of the treaties themselves, and the authority of navigators, attention is invited to the express declarations of the Russian Government on the subject during the negotiations and after the treaties had been celebrated.

On July 18, 1822, the Imperial Minister of Finance addressed to the board of administration of the Russian American Company a communication in which, referring to the protests which had been made against the ukase of 1821 and to the negotiations on the subject with the United States having in view some modification of the ukase, he says: "The rules to be pro-

[1] Vol. I, p. 287.

[2] As to "Sea of Kamchatka" and "Bering Sea," see quotation *infra* from the letter dated July 18, 1822, from the Minister of Finance to the board of administration. As to "Northeastern Sea," see first and third charters of the Company, Vol. I, pp. 14, 28. As to "Eastern Ocean," see Coxe, map (frontispiece).

posed will probably imply that it is no longer necessary to prohibit the navigation of foreign vessels for the distance mentioned in the edict of September 4, 1821, and that we will not claim jurisdiction over coastwise waters beyond the limits accepted by any other maritime power for the whole of our coast facing the open ocean. Over all interior waters, however, and over all waters inclosed by Russian territory, such as the Sea of Okhotsk, Bering Sea, or the Sea of Kamchatka, as well as in all gulfs, bays, and estuaries within our possessions, the right to the strictest control will always be maintained."[1]

Declaration made immediately before treaty with Great Britain.

Soon after the conclusion of the treaty of 1824 with the United States the directors of the Russian American Company applied to the Imperial Government for a correct interpretation of the same. A special committee, consisting of some of the highest dignitaries of the Empire, was appointed, and July 21, 1824, it issued a report of its proceedings signed by Count Nesselrode and others.[2] The seventh paragraph of this report reads as follows: "That since the sovereignty of Russia over the shores of Siberia and America as well as over the Aleutian Islands and

[1] Vol. I, p. 62.

[2] Russian Minister of Finance to the board of the Russian American Company, Sept. 4, 1824, and accompanying report, Vol. I, pp. 67–71.

Declaration made immediately before treaty with Great Britain.

the intervening sea has long since been acknowledged by all powers, these coasts, islands, and seas just named could not have been referred to in the articles of the above-mentioned convention, which latter concerns only the disputed territory on the Northwest Coast of America and the adjoining islands, and that in the full assurance of such undisputed right Russia has long since established permanent settlements on the coast of Siberia as well as on the chain of the Aleutian Islands; consequently American subjects could not, on the strength of article II of the convention of April 5–17, have made landings on the coast, or carried on hunting and fishing without the permission of our commanders and governors. These coasts of Siberia and of the Aleutian Islands are not washed by the Southern or Pacific Ocean, of which mention is made in article I of the convention, but by the Arctic Ocean and the Seas of Kamchatka and Okhotsk, which, on all authentic charts and in all geographies, form no part of the Southern or Pacific Ocean."[1]

To fully appreciate the significance of the foregoing declaration, it must be remembered

[1] The explanatory note presented Dec. 6, 1824, by Baron de Tuyll to Mr. Adams, reference to which is made in Mr. Blaine's note to Lord Salisbury of Dec. 17, 1890 (Vol. I, pp. 263, 276), was a result of the report from which the foregoing paragraph is quoted; and this very paragraph was clearly used as the basis for the explanatory note.

not only that it was made in response to a request of the Russian American Company for an interpretation of the American treaty, but, what is more important, that it was made shortly before the signing of the treaty with Great Britain, in which, therefore, the Russian negotiators did not consider it necessary (any more than they had considered it necessary in the former) to declare that Bering Sea was not a part of the Pacific Ocean, in which latter the right of free fishing was recognized to exist.

Treaties recognized by implication rights claimed by Russia over Bering Sea.

So far, therefore, from the terms of these treaties revoking or limiting the jurisdiction previously exercised by Russia over Bering Sea, there is inherent evidence in all those instruments, as well as in the negotiations which preceded them, that no such revocation or limitation was sought, conceded, or obtained by the high contracting parties. Russia was quick to notice that her assumption of control over the waters of the North Pacific Ocean was untenable; she therefore acknowledged this by the first articles of the two treaties in question. But neither in the protests, negotiations, nor treaties is any reference found to Bering Sea, and it must be conceded from a study of those instruments and the subsequent events that the question of jurisdictional rights over its waters was left where it

had stood before the treaties, except that the exercise of these rights by Russia had now, through these treaties, received the implied recognition of two great nations; for while, by the ukase of 1821, Russia had publicly claimed certain unusual jurisdiction both over Bering Sea and over a portion of the Pacific Ocean, yet in the resulting treaties, which constituted a complete settlement of all differences growing out of this ukase,[1] no reference is made to this jurisdiction so far as it related to Bering Sea, although it is expressly and conspicuously renounced as to the Pacific Ocean.

Treaties recognized by implication rights claimed by Russia over Bering Sea.

The burden is thus placed upon Great Britain to show that this jurisdiction, recognized in the year 1825 to exist, has been lost. It is not claimed that it was exercised for all purposes. Russia never sought to prevent vessels from passing through Bering Sea in order to reach the Arctic Ocean; nor did she always strictly enforce the prohibition of whaling within the distance of one hundred miles from its shores; but, so far as the fur-seals are concerned, it will be made to appear in what follows that the jurisdiction in question was always exercised for their protection.

Burden upon Great Britain to show that these rights have been lost.

[1] Section 8 of the "Proceedings of the Conference," Vol. I, p. 68.

By treaties Russia relinquished large portion of coast claimed.

With regard to what may be termed the territorial dispute, it appears from an examination of the correspondence and treaties that the southern boundary of the Russian territories was fixed at latitude 54° 40′ N., whereby she relinquished a large portion of the Northwest Coast which she had claimed by the ukase of 1821, and that the coasts, interior waters, etc., upon and in which the United States and Great Britain were allowed to trade for ten years without restrictions, were limited on the west by Yakutat Bay and Mount St. Elias; that is to say, that this right was restricted to the coast line, concerning the ownership of which there may have been some possible dispute.[1] The specific declarations in the British treaty of 1825 as to the line of coast and water to which access and trade were thus granted leave no room for doubt as to what coast was intended: and that the above limitation was understood by Russia is expressly stated by the Minister of Finance in his communication of September 4, 1824, already cited.

It may be mentioned here that at the expiration of this ten year clause, both the United States and England made strenuous but futile

[1] Art. IV of the treaty of 1824 and art. VII of the treaty of 1825. Compare art. III of the treaty of 1818 between the United States and Great Britain, Vol. I, p. 34.

efforts to obtain a renewal of its provisions.[1] The United States expressly recognized that after 1834 this clause had ceased to be operative, as is proved not only by their course in the case of the *Loriot*,[2] but more particularly by the fact that in 1845, at the request of the Russian Government, they caused to be published a notice,[3] reminding the owners of American vessels of the prohibition of trade which existed in regard to the coast in question.

Russia's object in excluding Bering Sea from effect of treaties was protection of fur industry.

The great object had in view by the Russian Government in excluding Bering Sea from the effect of the treaties of 1824 and 1825, and also in limiting the privilege of access and trade for even ten years to the coast south and east of Yakutat Bay, was obviously the protection of the valuable fur industry, the right to derive profit from which was the exclusive franchise of the Russian American Company. This is apparent in all the correspondence between the Government and the Company following the protests against the ukase and attending the negotiations of the treaties. The Minister of Finance

[1] The diplomatic correspondence between the United States and Russia relating hereto is contained in the documents accompanying the message of the President of the United States to Congress, December 3, 1838, and in Senate Ex. Doc. No. 106, pp. 223-246.

[2] Note of Mr. Blaine to Sir Julian Pauncefote, June 30, 1890, Vol. I, p. 224.

[3] Vol. I, p. 91.

Russia's object in excluding Bering Sea from effect of treaties was protection of fur industry.

in his communication of July 18, 1822, to the board of administration wrote, in view of a proposed modification of the ukase, as follows: "At the same time I am authorized to assure you that every effort will be made to secure the adoption of such rules as will effectually protect the Russian American Company from inroads on the part of foreigners upon their vested privileges, in strict conformity not only with the privileges granted by highest act, but also with the edict of September 4, 1821."[1]

Under date of April 11, 1824, Count Nesselrode, Chancellor of the Empire, wrote to N. S. Mordvinof, of the board of administration, in part as follows: "It is hardly necessary for me to repeat that in all these negotiations with England we have recognized, and always will recognize, the paramount importance of the interests of the Russian American Company in this matter."[2]

Under date of August 18, 1824, Count Nesselrode, in communicating the report of the committee, already noticed, to the Minister of Finance, wrote: "I flatter myself with the thought that these documents will convince you, most gracious sir, as well as the board of administration of

[1] Vol. I, p. 63.
[2] Vol. I, p. 65.

the Russian American Company, that it is His Majesty's firm determination to protect the Company's interests in the catch and preservation of all marine animals, and to secure to it all the advantages to which it is entitled under the charter and privileges."[1]

PERIOD BETWEEN THE TREATIES AND THE CESSION OF ALASKA TO THE UNITED STATES IN 1867.

Russia continues to exercise control over Bering Sea.

In addition to the foregoing, there is found positive confirmation that by the treaties of 1824 and 1825 Russia did not surrender her claim to exclusive control of trade, and especially of the fur industry, in Bering Sea, in the fact that the same control over the waters of that sea was enforced after the date of those treaties as before.

Third charter of Company.

The second charter of the Russian American Company, which was granted for a period of twenty years, was confirmed in 1829,[2] except in so far as it had been modified by the treaties of 1824 and 1825, and was thus renewed with all its exclusive franchises for another period of twenty years on the 1st day of January, 1842. The new charter will be found in the Appendix.[3]

[1] Vol. I, p. 68.

[2] Vol. I, p. 27.

[3] Vol. I, p. 28. The charter was not actually issued until Oct. 14, 1844.

Third charter of Company.

Its first section is as follows: "The Russian American Company, established for trading on the continent of Northwestern America, and on the Aleutian and Kuriles Islands, and in every part of the Northeastern Sea, stands under the most high protection of His Imperial Majesty."

High value placed by Company upon fur-seal industry.

After this charter was granted, the Government continued to protect the sealing interests of the Company in Bering Sea, and of these the board at St. Petersburg wrote March 31, 1840, to the chief manager of the Colonies: "You will bear in mind that we look upon the fur-seal catch as the most important item of our colonial enterprises, which must be preserved at all hazards, even to the temporary neglect of other resources. Everything must be done to prevent a decrease or the extermination of these valuable animals."[1]

And March 20, 1853, the board, in writing to the chief manager of the Colonies, again used similar language in a letter more fully referred to below: "The board of administration respectfully requests that, in case the interests of the Company require a deviation from your plans, your excellency will never lose sight of the fact that the interests of the Company are centered at the present time in the district surrounding the

[1] Vol. I, p. 71.

seal islands of the Pribilof and Commander groups, and that consequently the colonial waters must be visited by the Company's cruisers constantly and in every part, in order to watch and warn the foreign whalers."[1]

Waters frequented by fur-seals patrolled by armed cruisers.

The communication just cited throws much light upon the commercial activity of the Russian American Company, and may be accepted as indicative of the methods by which, during the last term of its charter, it enforced its control "in the colonial waters" of its interests "centered at the present time in the district surrounding the seal islands of the Pribilof group." It appears that during those years the Company gave employment to eight ships in the summer, and in the winter to seven, without counting its whale ships. Referring to the duties of one of its officials, who was to inspect certain of its stations, it is said: "This agent must observe and keep a record of all foreign ships seen during the voyage, and of the position of the same when observed, for the information of commanders of our armed cruisers and of the colonial authorities in Sitka, Kamchatka, and Ayan."

In the same letter is contained the following protective scheme, which had been adopted by

[1] Vol. I, p. 72, 74.

Waters frequented by fur-seals patrolled by armed cruisers.

the Company, and which was to be carried out by its vessels during the summer of 1854:

"2. One of the larger vessels should leave the port of New Archangel (Sitka) for Ayan not later than the 15th of May, to arrive at the latter port at the end of June. This ship, which must be armed, will carry passengers, stores, and supplies for our Asiatic stations. On the outward voyage, the course of this vessel should be laid to the northward of the chain of the Aleutian Islands, in order to meet foreign ships entering Bering Sea and to warn them against cruising in pursuit of whales in the vicinity of the seal islands of the Pribilof and Commander groups. . . .

"3. A second small vessel, the swiftest of the fleet, probably the *Menshikof*, with a naval crew and commanded by a naval officer, must sail from Sitka at the end of April for the sole purpose of watching the foreign whale ships in the southern part of Bering Sea and along the chain of the Aleutian Islands On this vessel supplies may be forwarded to Copper and Bering Islands and perhaps to Attu and Atka. . . . This vessel must be kept cruising constantly over the waters mentioned above, and must not enter any of the harbors except for the purpose of obtaining water and wood, on which occasions the stay of the

vessel must be limited to the briefest possible period. Each of the above-mentioned islands must be visited by this cruiser at least twice during the season. . . . The conclusion of this cruising voyage depends upon the time at which the foreign whale ships leave Bering Sea, which is probably at the end of August or the beginning of September. . . .

Waters frequented by fur-seals patrolled by armed cruisers.

"5. The second large vessel must be employed to supply the islands of the Unalaska district, the Pribilof Islands, and St. Michael's redoubt, and also to carry on intercourse with the coast tribes of Bering Sea on the Asiatic as well as on the American coasts. . . . During the whole time of the presence of this ship in the northern part of Bering Sea and the vicinity of the Pribilof Islands, the commander must be charged with the duty of cruising in search of foreign whale ships and of English vessels carrying on trade with our savages. This ship, also, must make no prolonged stay at any anchorage, and must be placed under the command of a naval officer, with a crew consisting principally of sailors of the navy. . . .

"7. The fourth large vessel of the fleet, which may be used for voyages to Kamchatka, must also be fitted out as an armed cruiser, and kept in readiness to proceed to any point in Bering

Waters frequented by fur-seals patrolled by armed cruisers.

Sea or in Siberian waters, from which the presence of foreign ships may be reported by the smaller vessels in the course of the season. . . .

"In transmitting to your excellency the above outlined plan for the employment of the colonial fleet, the board of administration respectfully requests that, in case the interests of the Company require a deviation from our plans, your excellency will never lose sight of the fact that the interests of the Company are centered at the present time in the district surrounding the seal islands of the Pribilof and Commander groups, and that consequently the colonial waters must be visited by the Company's cruisers constantly and in every part, in order to watch and warn the foreign whalers. For this purpose detailed instructions have been formulated for our cruisers, as well as for the commanders of the whale ships of the Company, which are obliged to serve in the capacity of cruisers when engaged in whaling in Bering Sea. In all cases, the command of a vessel under orders to cruise in colonial waters must be given to naval officers, who will thereby find an opportunity to make themselves acquainted with the routine of colonial transactions, while at the same time their rank will give authority to our proceedings."[1]

[1] Vol. 1. p. 72.

Further instructions as to cruising.

Under date of June 20, 1861, the chief manager of the Colonies wrote to Benzeman, of the Imperial navy, commanding the steamer *Alexander the Second*, in part, as follows: "It has come to my knowledge that in the present year two whaling vessels have sailed from San Francisco for the purpose of trading on the Pribilof Islands or of hunting in their vicinity. Consequently I would suggest that during your presence in those waters you will exercise the duties of an armed cruiser, to prevent any unlawful acts on the part not only of these vessels, but of any others which you may find in Bering Sea."[1]

Proclamation of 1861 as to trade in Russian territory and waters.

Lastly, there was issued from Sitka in the year 1864 the following proclamation: "It is hereby proclaimed to all whom it may concern, that if any person or persons after reading these presents does not immediately abandon Russian territory or waters, or if they continue forbidden trade or traffic, they shall be seized immediately upon the arrival of the first Russian vessel upon the scene of their illegal transactions and taken for trial to New Archangel (Sitka); and all goods, as well as the vessel found in possession of such persons, shall be confiscated."[2]

[1] Vol. I, p. 74.
[2] Vol. I, p. 80.

Whaling company prohibited from visiting waters frequented by fur-seals.

In 1850 there had been granted to the Russo-Finnish Whaling Company a charter which contained the following provision: "The ships of the Whaling Company entering the ports of the Russian American Company are subject to harbor regulations established for the guidance of all shipping, but they must not anchor or cruise in waters where the presence of ships or the pursuit of whales may alarm any marine animals or interfere with the regulations of the Company for their protection and increase."[1]

While the foregoing only purports to be a municipal regulation, yet it is useful as furnishing another illustration of the constant protection which the Russian Government extended to its seal herds.

Period from 1862 to 1867.

The third charter of the Russian American Company expired in 1862, but the Company nevertheless continued to operate under it pending the decision of the question of its renewal for another term. With regard to the latter it was at first, in 1865, decided to extend the Company's privileges only to the region about Bering Sea;[2] but the following year it was determined by the Council of State, in an opinion which will be

[1] Sec. II, § 9. The full text of the charter will be found in Tikhmenief, vol. II, app. p. 1 *et seq.*

[2] Letter from the Department of Commerce and Manufactures to the board, June 19, 1865, containing report of the Minister of Finance, Vol. I, p. 75.

found in the Appendix,[1] that "the exclusive right of the Company to engage in the fur trade throughout the entire colonial territory shall be continued." No new charter, however, was granted, for the year following witnessed the transfer of the territory of Alaska to the United States.

Period from 1862 to 1867.

From the foregoing historical review it appears:

Conclusions from foregoing review.

First. That prior and up to the date of the treaties of 1824 and 1825, Russia did assert and exercise exclusive rights of commerce, hunting, and fishing on the shores and in all the waters of Bering Sea.

Second. That the body of water known as Bering Sea was not included in the phrase "Pacific Ocean," as used in the treaty of 1825.

Third. That after said treaty of 1825 the Russian Government continued to exercise exclusive jurisdiction over the whole of Bering Sea up to the time of the cession of Alaska to the United States, in so far as was necessary to preserve to the Russian American Company the monopoly of the fur-seal industry, and to prohibit the taking on the land or in the water by any other persons or companies of the fur-seals resorting to the Pribilof Islands.

Fourth. That before and after the treaty of 1825, and up to the date of the cession of Alaska

[1] Vol. I, p. 79.

to the United States, British subjects and British vessels were prohibited from entering Bering Sea to hunt fur-seals, and that it does not appear that the British Government ever protested against the enforcement of this prohibition.

CESSION OF ALASKA TO THE UNITED STATES BY THE TREATY OF 1867.

Russia ceded to United States a portion of Bering Sea. No objection made.

On March 30, 1867, the Governments of the United States and Russia celebrated a treaty, whereby all the possessions of Russia on the American continent and in the waters of Bering Sea were ceded and transferred to the United States.[1] This treaty, which, prior to its final consummation, had been discussed in the Senate of the United States[2] and by the press, was an assertion by two great nations that Russia had heretofore claimed the ownership of Bering Sea, and that she had now ceded a portion of it to the United States; and to this assertion no objection is ever known to have been made.

Boundaries of territory ceded.

Article I of this treaty establishes the boundaries of the territory ceded. It takes for the eastern boundary the line of demarcation

[1] Vol. I, p. 43.

[2] House Ex. Doc. No. 177, Fortieth Congress, second session, pp. 124 *et seq.*

between the Russian and the British possessions in North America, as that line was established by the British-Russian treaty of 1825.[1] On the west the line of demarcation is stated as follows: "The western limit, within which the territories and dominion conveyed are contained, passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the island of Krusenstern, or Ignalook, and the island of Ratmanoff or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attu and the Copper Island of the Komandorski couplet or group in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to

Boundaries of territory ceded.

[1] Vol. I, p 39.

include in the territory conveyed the whole of the Aleutian Islands east of that meridian."

Cession unincumbered.

Article VI contains the following stipulation: "The cession of the territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions by any associated companies, whether corporate or incorporate, Russian, or any other, or by any parties, except merely private individual property holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto."

Russia's rights over sealeries passed to United States

The conclusion is irresistible from a mere reading of this instrument that all the rights of Russia as to jurisdiction and as to the sealeries in Bering Sea east of the water boundary fixed by the treaty of March 30, 1867, passed unimpaired to the United States under that treaty. In fact, the British Government has announced its readiness to accept this conclusion without dispute.[1]

Review of jurisdiction exercised by Russia and her motives therefor.

The jurisdiction which Russia exercised over Bering Sea for a century prior and up to the date of the transfer of a portion of its coasts and waters to the United States has been so fully set forth that

[1] Lord Salisbury to Mr. Blaine, Feb. 21, 1891, Vol. I, p. 294.

no further amplification seems necessary. The controlling motive which inspired the exercise of this jurisdiction is also apparent from the foregoing historical review. It has been shown herein that the Russian American Company possessed a monopoly of the commerce of Russian territory in America, and administered its political affairs under the direction of the Imperial Government. It has also been seen that the great source of wealth of the Russian American Company was the fur-seals of the Pribilof Islands in Bering Sea, and that so jealously was this source of wealth guarded by the orders and authority of the Imperial Government that foreign vessels were prohibited from hunting seals in any part of Bering Sea, or in the passes of the Aleutian Islands; and that for the enforcement of this prohibition cruisers were employed in patrolling that sea so long as it remained Russian territory.

Review of jurisdiction exercised by Russia and her motives therefor.

A high authority on the subject estimates the value of the furs (largely of seals) which were marketed by the Russians up to 1823 at a sum equal to about thirty-five million dollars[1]; and the same authority states that the furs taken and lost at sea and otherwise in those years exceeded the number which reached a market. Veniaminof, the Russian bishop, in his work on the

Value of furs taken prior to cession

[1] Berg, p. 168.

Value of furs taken prior to cession.

Pribilof Islands, on account of the great wealth derived from their annual harvest of furs, speaks of them as the "golden islands."[1] The tables which will be found in the Appendix[2] set forth the vast quantities of fur skins which were exported from the Colonies during the period of the Russian occupancy and how greatly they exceeded all other sources of revenue of the Russian American Company.

Their value well known to American negotiators, and the chief inducement for purchase of Alaska.

Their value was well known to the American negotiators of the treaty of 1867, and while it must be admitted that political considerations entered into the negotiations to a certain extent, yet so far as revenue to the Government and immediate profit to its people were concerned, it will appear from a careful study of the incidents attending the transfer of sovereignty that it was the fur industry more than all other considerations which decided the United States to pay the sum of seven million two hundred thousand dollars required by Russia for the cession and transfer of her sovereign rights and property.

[1] Veniaminof, vol. I, p. 277: "These islands might be called *golden* on account of the high value of fur-seal and sea-otter skins shipped from there from their discovery up to the present time and of their promise for the future. · · · What an immense capital is represented by all the skins obtained from these islands, and what sums they will bring in the future, even with the present limited scope of the industry. There are not many such places in the world affording such wealth in so small a space and in return for so little exertion on the part of man."

[2] Vol. I, p. 125 *et seq.*

Report of congressional committee upon motives for purchase and rights thereby understood to have been acquired.

In the Fiftieth Congress a committee of the House of Representatives made a long and thorough investigation into all the facts attending the fur-seal industry and other interests of Alaska, including the history of its purchase from Russia. In its report, as one of the results of its lengthy examination, the committee made the following statement: "By referring to the debate (in Congress) on the purchase of Alaska, and the contemporaneous discussion of the subject by the periodicals and newspapers of this country, it will be noticed that the acquisition of the products of Bering Sea, its fur-bearing animals and fisheries were regarded as an important if not the chief consideration for the purchase."[1]

The committee then quoted the declaration of Hon. Charles Sumner, chairman of the Committee on Foreign Relations of the Senate, in the speech which he delivered in advocacy of the approval of the treaty of 1867, as follows: "The seal, amphibious, polygamous, and intelligent as the beaver, has always supplied the largest multitude of furs of the Russian Company."[2]

The congressional committee, after making various quotations from official and other sources,

[1] House Ex. Doc. No. 3883, Fiftieth Congress, second session, p. xvii.

[2] *Ibid.* The speech will be found in House Ex. Doc. No. 177, Fortieth Congress, second session, p. 124.

Report of congressional committee upon motives for purchase and rights thereby understood to have been acquired.

further states: "It seems to the committee to have been taken for granted that by the purchase of Alaska the United States would acquire exclusive ownership of and jurisdiction over Bering Sea, including its products,—the fur-seal, sea-otter, walrus, whale, codfish, salmon, and other fisheries; for it is on account of these valuable products that the appropriation of the purchase money was urged.

"The extracts above quoted in reference to these products are emphasized by the fact that the fur-seal fisheries alone have already yielded to the Government a revenue greater than the entire cost of the territory.

"It seems clear to the committee that if the waters of Bering Sea were the 'high seas' these products were as free to our fishermen and seal-hunters as the Russians, and there was, therefore, no reason on that account for the purchase. But it was well understood that Russia controlled these waters; that her ships of war patrolled them, and seized and confiscated foreign vessels which violated the regulations she had prescribed concerning them; and the argument in favor of the purchase was that by the transfer of the mainland, islands, and waters of Alaska we would

acquire these valuable products and the right to protect them." [1]

Revenue received by the United States from fur-seal industry acquired from Russia.

The committee, in the report quoted, in proof of the great value of the fur-seal industry acquired from Russia, cited the fact that it had already yielded to the Government a revenue greater than the entire cost of the territory. The tables in the Appendix[2] show that there has been received by the United States Treasury directly from the lessees of the Pribilof Islands from 1870 to 1891, the sum $6,226,239; and that there has been received from import duty on the same skins after having been dressed and dyed in London approximately the further sum of $5,000,000; so that the total receipts of the United States Treasury from the Pribilof fur-seal skins have amounted to about $11,000,000. The tables appended[3] also establish the fact that fur-seal skins constitute more than half of the total value of all products obtained from Alaska from the time of the purchase in 1867 down to 1890. It thus appears that the high estimate of the fur-seals which was made at the time of the cession and purchase from Russia was not unfounded.

[1] House Ex. Doc. No. 3883, Fiftieth Congress, second session, p. xix.

[2] Vol. I, p. 130.

[3] "Notes on the Fur Industry, etc.," last paragraph. Vol. I, p. 123.

ACTION OF THE UNITED STATES RELATIVE TO ALASKA SINCE THE CESSION.

Rights acquired from Russia illustrated by subsequent action of United States.

Further light is thrown upon the understanding had by the Government of the United States as to the value of the fur-seal industry and its right to protect it within the territory ceded by Russia in the treaty of 1867, by an examination of the legislation of Congress enacted immediately after the transfer of this territory, of the acts of the Executive in carrying out this legislation, and of the decisions of the United States courts in regard to both.

Action of Congress.

By section 1 of the act of July 27, 1868, Congress provided "that the laws of the United States relating to customs, commerce, and navigation be, and the same are hereby, extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto."

Section 6 of the same act provided: "That it shall be unlawful for any person or persons to kill any otter, mink, marten, sable, or fur-seal, or

other fur-bearing animal, within the limits of said territory, or in the waters thereof. . . ."[1] Action of Congress.

That the waters above referred to were those of the eastern half of Bering Sea not only appears from the language of the treaty itself, but also from Mr. Sumner's definition of this language publicly given in the Senate of the United States. In the speech already cited, in describing the line of demarcation drawn in the treaty through Bering Sea, he refers to it as making the western boundary of our country the dividing line which separates Asia from America; and he speaks of the waters contained within this boundary as "our part of Bering Sea."[2]

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[1] The above sections have been respectively incorporated into the Revised Statutes of the United States as sections 1954 and 1956, Vol. I, p. 95.

[2] House Ex. Doc. No. 177, Fortieth Congress, second session, at p. 125. Following are extracts from the above speech: "Starting from the Frozen Ocean, the western boundary descends Behring Straits, midway between the two islands of Krusenstern and Ratmanof, to the parallel of 65° 30', just below where the continents of America and Asia approach each other the nearest; and from this point it proceeds in a course nearly southwest through Behring Straits, midway between the island of St. Lawrence and Cape Choukotski, to the meridian of 172° west longitude, and thence, in a southwesterly direction, traversing Behring Sea, midway between the island of Attu on the east and Copper Island in the west, to the meridian of 193° west longitude, leaving the prolonged group of the Aleutian Islands in the possessions now transferred to the United States, and making the western boundary of our country the dividing line which separates Asia from America."

* * * * *

"In our part of Bering Sea there are five considerable islands, the largest of which is St. Lawrence, being more than ninety-six miles long."

Action of Congress.

By the act of March 3, 1869, Congress provided "That the islands of St. Paul and St. George, in Alaska, be, and they are hereby, declared a special reservation for Government purposes;"[1] and on July 1, 1870, an act of Congress was approved, entitled "An Act to prevent the extermination of fur-bearing animals in Alaska,"[2] particular reference being had to the fur-seals of the Pribilof Islands.

By the use of the term "in Alaska" in the two foregoing acts, Congress clearly recognized the fact that Bering Sea was a part of the territory of Alaska, for the islands therein referred to are situated at a distance of two hundred miles from the mainland.

Action of the Executive.

The executive branch of the United States Government, in carrying out the foregoing congressional legislation, has uniformly held that the United States have authority to protect their sealing interests throughout that portion of Bering Sea contained within the western boundary referred to in the treaty of 1867.

On the 12th of March, 1881, the Treasury Department so interpreted the law in a letter written to Mr. D. A. Ancona, collector of customs at San Francisco.[3] Speaking of this western boundary,

[1] Vol. I, p. 92, (15 Stat., 348.)
[2] Vol. I, p. 92, (16 Stat., 180.)
[3] Vol. I, p. 102.

it is said: "All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands are considered within the waters of Alaska Territory. All the penalties prescribed by law against the killing of fur-bearing animals would, therefore, attach against any violation of law within the limits before described." Action of the Executive.

This decision was confirmed by the Treasury Department April 4, 1881, and again on March 6, 1886. On this last occasion the Secretary of the Treasury wrote as follows: "The attention of your predecessor in office was called to this subject on April 4, 1881. This communication is addressed to you, inasmuch as it is understood that certain parties at your port contemplate the fitting out of expeditions to kill fur-seals in these waters. You are requested to give due publicity to such letters, in order that such parties may be informed of the construction placed by this Department upon the provision of law referred to."[1]

Since the year 1867 the Treasury Department has, every year, with a single exception, sent one or more revenue cutters to Bering Sea for the purpose of guarding the interests of the United States centered there,[2] including the protection Revenue cutters sent to Bering Sea to protect fur-seal life.

[1] Vol. I, p 103.

[2] Letter of the Secretary of the Treasury to the Secretary of State, July 15, 1892, Vol. I, p. 110.

Vessels seized in 1886 and 1887.

of fur-seals, against infractions of the law relating to them; and that this law was not regarded as a dead letter is attested by the fact that in 1886, prior to which time vessels had not entered Bering Sea in any numbers for the purpose of pelagic sealing, there were seized in those waters four vessels, three of them British, while in the following year there were seized fifteen vessels, of which six were British; the foregoing vessels, with a single exception, being found at a distance greater than three miles from any land.[1]

In 1888 unofficial assurances were given to the British Government that no seizures would be made; for at that time negotiations were being carried on looking to an amicable adjustment of the points at issue with regard to Bering Sea.[2]

Congress ratifies action of Executive.

By act of March 3, 1889,[3] Congress in effect ratified the interpretation heretofore made by the Executive as to the boundary of the United States in Bering Sea, as well as the seizures of vessels made under its orders in the years 1886 and 1887. This is apparent both from the language of the act and from the debates which preceded its enactment. Its third section is as follows: "That section 1956 of the Revised

[1] Table of vessels seized in Bering Sea, Vol. I, p 108.
[2] Mr. Edwardes to Mr. Blaine, Vol. I, p. 199.
[3] Vol. I, p. 99.

Statutes of the United States is hereby declared to include and apply to all the dominions of the United States in the waters of Behring Sea, and it shall be the duty of the President at a timely season in each year to issue his proclamation and cause the same to be published, for one month at least, in one newspaper (if any such there be) published at each United States port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruise said waters, and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein."

President's proclamation.

Annually since the enactment of this law the President of the United States has issued his proclamation accordingly,[1] and in the year 1889 the revenue cutters again seized vessels disregarding its provisions, capturing in all six, five of which were British.[2]

Vessels seized in 1889.

In the month of June, 1891, the United States and Great Britain agreed upon the *Modus Vivendi*,[3] under the terms of which both Governments undertook to protect seal life in the waters of

The *Modus Vivendi*.

[1] Vol. I, p. 112.

[2] Table of vessels seized in Bering Sea, Vol. I, p. 108.

[3] Vol. I, p. 317.

Bering Sea, and in May, 1892, this *Modus* was renewed for the season of 1892.[1]

Action of United States courts.

Lastly, the United States courts, whenever the question has come up before them, have refused to interfere with the executive branch of the Government in its interpretation of the treaty of 1867 and of the laws of Congress enacted on the basis of what the United States acquired by this treaty. The question as to the legality of the seizures of British vessels made by the United States revenue cutters in the year 1887 within the eastern portion of Bering Sea and at a distance greater than three miles from any land came up for decision before Judge Dawson, of the United States court for the district of Alaska. The opinion, which was filed October 11, 1887, is given in full in the Appendix.[2] It will be seen by reference to it that the court held that the United States Government has authority to protect seal life throughout the eastern part of Bering Sea, included within what is termed the western boundary line in the treaty of 1867. Other decisions to the same effect will be found in the Appendix.[2]

Summary.

The foregoing references are made in order to

[1] Vol. I, p. 6.

[2] Vol. I, p. 115.

Summary.

show: first, the understanding which existed in the United States, at the time of the purchase and cession of Alaska, as to the scope and effect of the jurisdiction exercised by Russia over the waters of Bering Sea, and the enhanced value which was thereby placed upon the fur-seal herd of the Pribilof Islands; and second, that the United States have since the purchase continued to exercise the same jurisdiction for the purpose of protecting the herd. But in determining what right of protection or property this Government has in the fur-seals frequenting the islands of the United States in Bering Sea when such seals are found outside of the ordinary three-mile limit, it is not compelled, neither does it intend, to rest its case altogether upon the jurisdiction over Bering Sea established or exercised by Russia prior and up to the time of the cession of Alaska. It asserts that, quite independently of this jurisdiction, it has a right of protection and property in the fur-seals frequenting the Pribilof Islands when found outside the ordinary three-mile limit, and it bases this right upon the established principles of the common and the civil law, upon the practice of nations, upon the laws of natural history, and upon the common interests of mankind

The United States do not rest their case altogether upon jurisdiction over Bering Sea.

In order that this claim of right of protection and property may be clearly presented, it will be necessary to enter in some detail upon an examination of fur-seal life at the Pribilof Islands and elsewhere and of the various interests associated with it.

PART SECOND.

RELATING TO THE HABITS, PRESERVATION, AND VALUE OF THE ALASKAN SEAL HERD, AND TO THE PROPERTY OF THE UNITED STATES THEREIN.

PART SECOND.

RELATING TO THE HABITS, PRESERVATION, AND VALUE OF THE ALASKAN SEAL HERD, AND TO THE PROPERTY OF THE UNITED STATES THEREIN.

HABITS OF THE ALASKAN SEAL.

THE PRIBILOF ISLANDS.

The Pribilof Islands are the home of the Alaskan fur-seal (*Callorhinus ursinus*). They are peculiarly adapted by reason of their isolation and climate for seal life, and because of this peculiar adaptability were undoubtedly chosen by the seals for their habitation.[1] The climatic conditions are especially favorable. The seal, while on land, needs a cool, moist, and cloudy climate, sunshine and warmth producing a very injurious effect upon the animals.[2] These requisite phenomena are found at the Pribilof Islands and nowhere else in Bering Sea or the North

NOTE.—Names found in citations refer to depositions of same found in the Appendix.

[1] Charles Bryant, Vol. II, p. 4; Samuel Falconer, Vol. II, p. 164; T. F. Morgan, Vol. II, p. 61; C. M. Scammon, Vol. II, p. 175; Daniel Webster, Vol. II, p. 180; J. C. Redpath, Vol. II, p. 148.

[2] Samuel Falconer, Vol. II, p. 164.

Pacific, save at the Commander (Komandorski) Islands.[1]

Climate.

From May to November, inclusive (the period when the majority of the seals are on land), the mean temperature is between 41° and 42° F.;[2] during August, the warmest month, the mean is 47.2° F.;[3] during the warm months of June, July, and August the highest temperature reached was 62°, which occurred but once in eight years,[4] and the lowest was 28°, which was reached but once during the same period.[4] This constancy of temperature is further supplemented by the absence of sunshine and the almost continual presence of fogs, mists, or light rains.[5] During eight years the mean percentage of cloudiness on the islands for the months of June, July, and August was 92;[6] while during that period of eight years, consisting of seven hundred and thirty-six days, but eight clear days occurred and during the months of August not one.[4] The same peculiarity of climatic condition has also been observed at the

[1] Charles Bryant, Vol. II, p. 4.

[2] Samuel Falconer, Vol. II, p. 164; T. F. Morgan, Vol. II, p. 61; Weather Bureau Tables, Vol. I, p. 591.

[3] Weather Bureau Tables, Vol. I, p. 591.

[4] Weather Bureau Tables, Vol. I, p. 592.

[5] Charles Bryant, Vol. II, p. 4; Samuel Falconer, Vol. II, p. 164; T. F. Morgan, Vol. II, p. 61; J. Stanley Brown, Vol. II, p. 12.

[6] Weather Bureau Tables, Vol. I, p. 593.

antarctic coasts and islands once frequented by vast herds of fur-seals.[1] Climate.

The Alaskan seals evidently consider the Pribilof Islands as their home, for while on or about them they are much less timid and fearful than when met with in the sea along the American coast.[2] Capt. C. N. Cox, master of the schooner *E. B. Marvin*, who was examined by Collector Milne, of the port of Victoria, British Columbia, in 1892, says: "They (the seals) seem to be right at home there (in the waters adjacent to the islands) and not traveling about so much"[3] Home of the fur-seal.

The two islands, St. Paul and St. George, are the only ones of the Pribilof group on which breeding seals land. The shores, comparatively limited, occupied by the animals are termed "rookeries" and are divided into "breeding grounds" and "hauling grounds."[4] St. Paul and St. George.

The "breeding grounds" or "breeding rookeries" (the areas occupied by the breeding seals and their offspring) are rocky areas along the water's edge, covered with broken pieces of lava of various sizes and shapes, those nearest the sea having been rounded by the action of the waves "Breeding grounds."

[1] James W. Budington, Vol. II, p. 594.
[2] Samuel Falconer, Vol. II, p. 165; Daniel Webster, Vol. II, p. 182.
[3] British Blue Book, U. S. No. 3 (1892); C—6635, p. 176.
[4] J. Stanley Brown, Vol. II, p. 12.

"Breeding grounds."

and the ice; between the rocks are sometimes found smooth spaces of ground, but in no case are these areas of any extent, and they vary greatly in size. That these rough, uneven shores are chosen for the breeding grounds is probably because the bowlders act as a protection to the new-born seals from the surf and storms,[1] and also because the smoother rocks offer convenient resting places for the female seals in parturition.[2]

"Hauling grounds."

The "hauling grounds" (areas occupied by the nonbreeding seals) are the sandy beaches at one side of the breeding grounds, or the smoother spaces back of and contiguous to the breeding seals.[3] The areas covered by the rookeries on the respective islands vary considerably, being in the ratio of about seven or eight on St. Paul to one on St. George. St. Paul is much lower than St. George, the shores are broader, and more territory is available upon it for occupation by seals than on the latter, which accounts in a measure for the disproportion in seal population on the two islands.[4] The former island has ten rookeries (the largest being the Northeast Point Rookery), and the latter has five.[5]

[1] S. N. Buynitsky, Vol. II, p. 21.
[2] J. Stanley Brown, Vol. II, p. 15.
[3] J. Stanley Brown, Vol. II, p. 12; Samuel Falconer, Vol. II, p. 164.
[4] J. Stanley Brown, Vol. II, p. 11.
[5] J. Stanley Brown, Vol. II, p. 13.

Census of seal life impossible.

From the nature of the ground covered by the breeding seals it is impossible to reach even an approximate estimate of the number of seals on these islands.[1] The roughness and unevenness of the breeding grounds preclude the possibility of calculating the number in a given area, so as to obtain a rule which can be applied to other rookeries or to other portions of the same rookery in estimating the seal population. The density of seal life varies according to the size and frequency of the rock masses and what might be a correct rule for one locality would be entirely incorrect for another. Besides this, the seals are constantly in motion, the females continually going to and coming from the water and new occupants of the breeding grounds are incessantly arriving.[2] Under these circumstances it is clearly evident that all estimates which attempt to fix the actual number of seals are so unreliable as to be worthy of no consideration for present or future calculations.[3]

Determination of increase or decrease of seals.

On the other hand, any considerable increase or decrease in the seals on the islands can at

[1] W. B. Taylor, Vol. II, p. 176; J. H. Moulton, Vol. II p. 71; B. F. Scribner, Vol. II, p. 89; H. A. Glidden, Vol. II, p. 110; H. H. McIntyre, Vol. II, p. 48; H. N. Clark, Vol. II, p. 159; Daniel Webster, Vol. II, p. 181.

[2] W. B. Taylor, Vol. II, p. 176; H. A. Glidden, Vol. II, p. 110; Daniel Webster, Vol. II, p. 181.

[3] W. B. Taylor, Vol. II, p. 176; J. H. Moulton, Vol. II, p. 71; B. F. Scribner, Vol. II, p. 89; H. A. Glidden, Vol. II, p. 110.

Determination of increase or decrease of seals.

once be recognized by one familiar with the rookeries. The spaces occupied by the breeding seals can be correctly measured.[1] If there has been an increase in the number of seals, the areas formerly occupied will be filled and new ground covered, for the seals crowd together on the breeding grounds as closely as the nature of the ground will permit.[2] Therefore, an increase in the extent covered by breeding seals is an infallible indication of an increase in the seal herd.

THE ALASKAN SEAL HERD.

Distinction between Alaskan and Russian herds.

The two great herds of fur seals which frequent the Bering Sea and North Pacific Ocean and make their homes on the Pribilof Islands and Commander (Komandorski) Islands, respectively, are entirely distinct from each other. The difference between the two herds is so marked that an expert in handling and sorting seal skins can invariably distinguish an Alaskan skin from a Commander skin.[3] Mr. Walter E. Martin, head of the London firm of C. W. Martin & Co., which has been for many years engaged in dressing and dyeing seal skins, describes the

[1] W. B. Taylor, Vol. II, p. 177; J. H. Moulton, Vol. II, p. 71; B. F. Scribner, Vol. II, p. 89.

[2] J. H. Moulton, Vol. II, p. 71; Daniel Webster, Vol. II, p. 181.

[3] W. E. Martin, Vol. II, p. 569; C. W. Price, Vol. II, p. 521; George Bantle, Vol. II, p. 508; George Rice, Vol. II, p. 573; Alfred Fraser, Vol. II, p. 557.

Distinction between Alaskan and Russian herds.

difference as follows: "The Copper Island (one of the Commander Islands) skins show that the animal is narrower in the neck and at the tail than the Alaska seal, and the fur is shorter, particularly under the flippers, and the hair has a yellower tinge than the hairs of the Alaska seals."[1] In this statement he is borne out by Sneigeroff, a native chief on the Commander Islands and once resident on the Pribilof Islands.[2] C. W. Price, for twenty years a dresser and examiner of raw seal skins, describes the difference in the fur as being a little darker in the Commander skin.[3] The latter skin is not so porous as the Alaskan skin, and is more difficult to unhair.[4] The difference between the two classes of skins has been further recognized by those engaged in the sealskin industry in their different market value,[5] the Alaska skins always being held at from twenty to thirty per cent more than the "Coppers" or Commander skins.[6] This difference in value has also been recognized by the Russian Government.[7]

[1] W. E. Martin, Vol. II, p. 569.
[2] T. F. Morgan, Vol. II, p. 201.
[3] C. W. Price, Vol. II, p. 521; George Bantle, Vol. II, p. 508.
[4] John J. Phelan, Vol. II, p. 520.
[5] C. A. Williams, Vol. II, p. 537; W. E. Martin, Vol. II, p. 569; C. W. Price, Vol. II, p. 521; George Bantle, Vol. II, p. 508.
[6] C. A. Williams, Vol. II, p. 537; William C. B. Stamp, Vol. II, p. 575.
[7] C. A. Williams, Vol. II, p. 537.

Does not mingle with Russian herd.

These two herds of fur-seals do not intermingle,[1] each keeping to its own side of Bering Sea and the Pacific Ocean, and each following its own course of migration.[2] Dr. J. A. Allen, the well known authority on Pinnipeds,* and Curator of the American Museum of Natural History, says: "The Commander Islands herd is evidently distinct and separate from the Pribilof Islands herd. To suppose that the two herds mingle, and that the same animals may at one time be a member of one herd and at another time of the other, is contrary to what is known of the habits of migrating animals in general."[3] Capt. Charles J. Hague, who since 1878 has made about twenty voyages along the Aleutian Islands from Unalaska to Attu, mostly in the spring and fall of the year, states that he does not remember ever having seen fur seals in the water between Four Mountain Islands and Attu

[1] Report of American Bering Sea Commissioners, *post*, p. 323; J. Stanley Brown, Vol. II, p. 12; Charles Bryant, Vol. II, p. 4; C. A. Williams, Vol. II p. 537; Gustave Niebaum, Vol. II, p. 78; Arthur Newman, Vol. II, p. 210; C. H. Anderson, Vol. II, p. 205.

[2] H. H. McIntyre, Vol. II, p. 42; C. M. Scammon, Vol. II, p. 474; John P. Blair, Vol. II, p. 194.

[3] Article by Dr. Allen, Part III, Vol. I, p. 406; see also Report of American Bering Sea Commissioners, *post*, p. 323.

* Dr. Allen, at the request of the Department of State, has prepared a paper on Pinnipedia, Seal Hunting in the Antarctic Regions, the Alaska Seal Herd and Pelagic Sealing, which will be found in Vol. I, pp. 365–410, to which the attention of the Tribunal of Arbitration is especially directed.

Island.[1] Between parallels 174° west and 175° east seals are seldom seen,[2] and only a few scattering ones are seen at long intervals in the neighborhood of Attu Island, which probably, from the course in which they are traveling, are members of the Commander herd.[3] Pud Zaotchnoi, one of the native chiefs of the Aleuts of Atka Island, says: "The fur-seal is only rarely seen about this region, scattering ones being seen occasionally during the months of September, October, and November, traveling from the northward to the southward through the passes between Atka and Amlia islands. Those seen are always gray pups, and usually appear after a blow from the northeast. The most I ever saw in any one year was about a dozen . . . I have never seen large bulls or full grown fur seals in this region.[4] These gray pups are the young born that season, which having left the islands in the autumn are driven out of their course by the storms, being unable to battle against the waves as the older seals do. A further evidence that seals do not frequent the waters between the parallels of longitude men-

Does not mingle with Russian herd.

[1] Charles J. Hague, Vol. II. p. 207.

[2] Arthur Newman, Vol. II, p. 210; C. H. Anderson, Vol. II, p. 205.

[3] Elias Prokopief, Vol. II, p. 215; Filaret Prokopief, Vol. II, p. 216; Samuel Kahoorof, Vol. II, p. 214.

[4] Vol. II, p. 213; Kassian Gorloi, Vol. II, p. 212.

Does not mingle with Russian herd.

tioned is the fact that sealing vessels are seldom seen in those regions, and never remain any length of time.[1]

Classification.

In considering the habits of the Alaskan seal the herd will be divided into four classes, based upon age and sex.

First. The pups, or pup seals, being the seals of both sexes under one year of age.

Second. The bulls, or "sekatchie," being the male seals from six or seven years old upwards, which are able to maintain themselves on the breeding grounds.

Third. The cows, or "matkie," being the female seals over one year old.

Fourth. The bachelors, or "holluschuckie," being the nonbreeding male seals, their age ranging from one to five or six years.

All references hereafter made to seals, unless specifically stated to the contrary, pertain to the Alaskan fur-seal, and all mention of rookeries refers exclusively to those located on St. Paul and St. George islands of the Pribilof group.

THE PUPS.

Birth.

The pup is born on the breeding grounds during the months of June or July.[2] Its birth

[1] Eliah Prokopief, Vol. II, p. 215; Kassian Gorloi, Vol. II, p. 212.

[2] T. F. Morgan, Vol. II, p. 61; Samuel Falconer, Vol. II, p. 164.

usually occurs within a day or two after the mother seal arrives on the islands,[1] and often within a few hours.[2] A young seal at birth weighs from six to eight pounds, its head being abnormally large for the size of its body;[3] it is almost black in color, being covered with a short hair, which changes to a silver-gray color after the pup learns to swim.[4] These two grades of pups are distinguished by the names "black pups" and "gray pups." This coat of hair is its only covering, the under coat of fur not being found on the new-born seal.[5] Birth.

For the first six or eight weeks of its life the pup is confined entirely to the breeding grounds, being unable to swim.[6] Mr. Thomas F. Morgan, for nearly twenty years located on the Pribilof Islands as one of the agents of the lessees, states that he has often seen young pups washed off by the surf and drowned.[7] Dr. W. L. Hereford, for many years resident physician on the Pribilof Islands, relates that a pup being found which Inability to swim.

[1] Charles Bryant, Vol. II, p. 4.

[2] Charles Bryant, Vol. II, p. 4; J. Stanley Brown, Vol. II, p. 13. Anton Melovedoff, Vol. II, p. 144; J. C. Redpath, Vol. II, p. 148.

[3] Daniel Webster, Vol. II, p. 180.

[4] Samuel Falconer, Vol. II, p. 164.

[5] J. H. Moulton, Vol. II, p. 72.

[6] Anton Melovedoff, Vol. II, p. 144; Aggie Kushin, Vol. II, p. 129; Karp Buterin, Vol. II, p. 101; John Fratis, Vol. II, p. 108; Article by Dr. Allen, Part III, Vol. I, p. 407; Daniel Webster, Vol. II, p. 180.

[7] Vol. II, p. 61.

Inability to swim.

had lost its mother, was placed near the water's edge in order that it might swim to an adjoining rookery and perchance find its parent. "Day after day" he continues, "this pup was watched, but it would not go near the water, and neither did its mother return. After several days or so, a new employé of that season only, and knowing nothing whatever of fur-seal life and habits, coming along that way and finding the pup in the grass, thinking probably that he had gotten lost from the other side, took him up and threw him into the water, with a view of giving him a chance of swimming back home. It was mistaken kindness, however, for he was immediately drowned."[1] Dr. H. H. McIntyre, for twenty years on the islands as superintendent of the Alaska Commercial Company, and who has made the seal habits and industry a life study, states "that it should be particularly noted that they (the pups) are not amphibious until several weeks old."[2] Mr. J. H. Moulton, who was assistant Treasury agent on the islands for seven years, states that he "has seen pups thrown in the water when their heads would immediately go under, and they would inevitably drown

[1] Vol. II, p. 34.
[2] Vol. II, p. 41.

if not rescued."[1] The fact that they are unable to swim is further evidenced by their manifest dread of the water. Mr. J. Stanley Brown, a scientist detailed by the United States Government to investigate seal life on the Pribilof Islands, says: "The pups are afraid of the water; they have to learn to swim by repeated effort, and even when able to maintain themselves in the quiet waters will rush in frantic and ludicrous haste away from an approaching wave."[2] Capt. Bryant, Treasury agent in charge of the Pribilof Islands from 1869 to 1877, and who previous to that had been a whaling captain in Bering Sea, says: "They run back terrified whenever a wave comes in."[3] He is supported in this statement by Mr. Samuel Falconer,[4] Gen. Scribner,[5] and Mr. Wardman, who have been Treasury agents on the Pribilof Islands, the latter adding that "young pups can not be driven into the water by man, and when I tried to drive them in before they had learned to swim, they would immediately run back from the water.[6]

Inability to swim.

[1] Vol. II, p. 72.
[2] Vol. II, p. 16.
[3] Vol. II, p. 5.
[4] Vol. II, p. 161.
[5] Vol. II, p. 89.
[6] Vol. II, p. 178.

Aquatic birth impossible.

In view of the foregoing circumstances, it is clear that it is an impossibility for a pup seal to be born in the water and live; this is confirmed by the statements of all those who have studied into or had experience with seal life;[1] and is well known to be a peculiarity of all Pinnipedia.[2] Prof. W. H. Dall, a recognized authority on all Alaskan matters, states that a pup born under such circumstances would unquestionably perish, and further adds that "when it is the habit of an animal to give birth to its young upon the land, it is contrary to biological teaching and common sense to suppose that they could successfully bring them forth in the water."[3] Mr. Stanley Brown, in considering this question, says: "Were not the seals in their organs of reproduction, as well as in all the incidents of procreation, essentially land animals, the fact that the placenta remains attached to the pup by the umbilical cord for twenty-four hours or even more after birth, would show the impossibility of aquatic birth. I have seen pups dragging the caul over the ground on the third day after birth. Even could the pup stand

[1] T. F. Morgan, Vol. II, p. 62; Charles Bryant, Vol. II, p. 5; Kerrick Artomanoff, Vol. II, p. 100.

[2] Appendix C, Report of American Bering Sea Commissioners, *post*, p. 327.

[3] Vol. II, p. 23.

the buffeting of the waves it could not survive such an anchor. No pup could be born in the water and live."[1] To these unqualified statements of experts and scientists are added those of a large number of Indians and seal hunters along the American coast, and an instance which took place during the Russian occupation puts the impossibility of pelagic birth beyond question. The following is an extract from a letter dated June 20, 1859, by the manager of St. Paul Island addressed to the chief manager, and inclosed in a letter dated May 13, 1860, from Capt. Ivan Vassilievitch Furuhelm to the board of administration of the Russian American Company:

Aquatic birth impossible.

"The female seals came this year in May at the usual time after the 'sekatches' had landed. Only a few had come ashore when, with a strong northwest wind, the ice came from the north. It closed around the islands and was kept there by the wind for thirteen days. The ice was much broken and was kept in motion by the sea.

"It is an actual fact, most gracious sir, that the females could not reach the shore through the ice. Some of the Aleuts went out as far as it was safe to go on the larger pieces of ice and they saw the water full of seals. When the northwest

[1] Vol. II, p. 15; Article by Dr. Allen, Part III, Vol. I, p. 406.

gale ceased the ice remained for nearly a week longer, being ground up in the heavy swell and no females could land. A few 'sekatches' tried to go out to sea but did not succeed. On the 10th of June the first females began to land, but they came slowly, and it was very late when the rookeries began to fill. Very few of the females, no more than one out of twenty or twenty-five, had their young after they came ashore. Nearly all must have lost them in the water, as for many weeks since the ice went away the bodies of young seals have been washed up by the sea in thousands. This misfortune I must humbly report to you. It was not the work of man but of God."[1]

Birth on kelp beds impossible.

These statements also apply to birth on beds of kelp, or seaweed, for a new-born pup would undoubtedly be washed from such a resting place and perish. Andrew Laing, a seal hunter of long experience, who was examined by Mr. A. R. Milne, collector of the port of Victoria, British Columbia, states on such examination: "I have heard a great deal of talk of females having young on the kelp, too, but I don't think that it is so. Some hunters report of seeing pups off Middletons Island, but I think that it is impossible."

[1] Vol. I, p. 86.

He further stated that he did not think they could live continually in the water if born in it.[1]

Birth on kelp beds impossible.

When the pups are from four to six weeks old they gather together on the breeding grounds into groups called "pods."[2] This act is called "podding." The "pods" by degrees work their way down to the water's edge and the pups begin to make use of their flippers.[3] Prior to this time the flippers have been used entirely for locomotion on land.

Podding.

The pup's manner of locomotion has been variously described as being similar to that of the pup of a Newfoundland dog[4] or of a young kitten.[5] The difference between the modes of locomotion of the pup and of the older seals is well stated by Mr. J. H. Moulton. He says "that it (the pup) uses its hind flippers as feet, running on them in much the same manner as other land animals, while a seal that has learned to swim drags his hind flippers, using his front flippers to pull himself along.[6]

Locomotion on land.

[1] British Blue Book, U. S. No. 3 (1892), C–6635, p. 184.

[2] Report of American Bering Sea Commissioners, *post*, p. 327; J. Stanley Brown, Vol. II, p. 16; H. H. McIntyre, Vol. II, p. 41; Charles Bryant, Vol. II, p. 5; H. W. McIntyre, Vol. II, p. 136; J. C. Redpath, Vol. II, p. 148.

[3] J. Stanley Brown, Vol. II, p. 16; H. H. McIntyre, Vol. II, p. 41; Charles Bryant, Vol. II, p. 5.

[4] J. Stanley Brown, Vol. II, p. 15.

[5] Samuel Falconer, Vol. II, p 164.

[6] Vol. II, p. 72.

Learning to swim.

There are two methods by which a pup learns to swim. One is by a "pod" of pups getting near the edge of the water and finally, after repeated efforts, acquiring the use of their flippers.[1] Andrew Laing, already mentioned as one of the seal hunters lately examined by Collector Milne, of the port of Victoria, British Columbia, says: "They (the pups) will never take to the water freely themselves for from six weeks to two months."[2] The other method is by the mother seal taking the pup in her mouth and carrying it into the water, where, after several trials, it becomes able to sustain itself.[3]

Departure from islands.

After learning to swim the pup spends its time on land and in the water, but the greater portion is passed on land,[4] until its final departure, which takes place generally about the middle of November,[5] but the time depends a great deal upon the weather.[6]

Dependence upon its mother.

During the entire time the pups remain upon the islands they are dependent solely upon their

[1] H. H. McIntyre, Vol. II, p. 41; J. Stanley Brown, Vol. II, p. 16; T. F. Morgan, Vol. II, p. 62.

[2] British Blue Book, U. S. No. 3 (1892), C-6635, p. 184.

[3] Samuel Falconer, Vol. II, pp. 164–165; Charles Bryant, Vol. II, p. 5.

[4] Charles Bryant, Vol. II, p. 5; H. H. McIntyre, Vol. II, p. 41; T. F. Morgan, Vol. II, p. 62; Anton Melovedoff, Vol. II, p. 144; Daniel Webster, Vol. II, p. 180.

[5] H. H. McIntyre, Vol. II, p. 41; Charles Bryant, Vol. II, p. 5; Aggie Kushin, Vol. II, p. 130; C. L. Fowler, Vol. II, p. 25.

[6] H. H. McIntyre, Vol. II, p. 41; Charles Bryant, Vol. II, p. 5; Anton Melovedoff, Vol. II, pp. 144–145; John Fratis, Vol. II, p. 108.

mothers for sustenance.[1] Prof. Dall says that the "pups require the nourishment of their mothers for at least three to four months after birth, and would perish if deprived of the same."[2] Others fix the period of weaning at at least four months.[3] Others say that the female seal suckles her young as long as it remains on the islands.[4] All agree that without this nourishment the pup would starve to death, and Dr. Hereford gives an account of endeavoring to raise a motherless pup by hand, which resulted in its death.[5] Dependence upon its mother.

In spite of the fact of its complete dependence upon its mother, a pup can exist several days without food,[6] and demonstrates the wonderful vitality of the species. Vitality.

THE BULLS.

The bulls are the male seals from five or six to twenty years of age,[7] and weigh from four to seven hundred pounds.[8]

[1] J. C. Redpath, Vol. II, p. 148.

[2] Vol. II, p. 23.

[3] J. Stanley Brown, Vol. II, p. 16; J. H. Moulton, Vol. II, p. 72.

[4] Samuel Falconer, Vol. II, p. 165; Charles Bryant, Vol. II, p. 5.

[5] Vol. II, p. 33.

[6] W. S. Hereford, Vol. II, p. 33; Nicoli Krukoff, Vol. II, p. 133; Kerrick Artomanoff, Vol. II, p. 100.

[7] H. H. McIntyre, Vol. II, p. 43; Charles Bryant, Vol. II, p. 6.

[8] Report of American Bering Sea Commissioners, *post*, p. 325; Samuel Falconer, Vol. II, p. 166; H. H. McIntyre, Vol. II, p. 58.

Arrival at islands.

They arrive on the breeding grounds in the latter part of April or first few days of May,[1] but the time is to a certain extent dependent on the going out of the ice about the islands.[2] The bull, if it is not his first experience upon the breeding grounds, endeavors to land upon the same rookery which he occupied in former years,[2] and in many cases the same bull has been observed to occupy the same position (generally a large rock[3]) on the same rookery for several successive years.[4] A position, however, is not obtained without many sanguinary battles between the rival bulls for the more coveted places near the water.[5]

Arrival of the cows.

Toward the latter part of May or first of June the cows begin to appear in the waters adjacent to the islands and immediately land upon the breeding grounds.[6] The great majority, however,

[1] Appendix B, Report of American Bering Sea Commissioners, *post*, p. 385; J. Stanley Brown, Vol. II, p. 13; Nicoli Krukoff, Vol. II, p. 133; John Fratis, Vol. II, p. 108; J. C. Redpath, Vol. II, p. 148; C. L. Fowler, Vol. II, p. 25.

[2] Daniel Webster, Vol. II, p. 180.

[3] Report of American Bering Sea Commissioners, *post*, p. 325.

[4] J. C. Redpath, Vol. II, p. 148.

[5] Report of American Bering Sea Commissioners, *post*, p. 325; H. H. McIntyre, Vol. II, p. 43.

[6] Anton Melovedoff, Vol. II, p. 144; Aggie Kushin, Vol. II, p. 129; Nicoli Krukoff, Vol. II, p. 133; John Fratis, Vol. II, p. 108; C. L. Fowler, Vol. II, p. 25.

do not haul up until the latter part of June;[1] and the arrivals continue until the middle of July.[2] Arrival of the cows.

Each bull, being polygamous, gathers about him as many cows as he can.[3] The number of cows to a "harem" (as the bull and his cows are called) varies according to the strength and position of the bull and the respective number of the sexes in the herd. The average is fixed at from fifteen to twenty-five.[4] Assistant Treasury Agent W. B. Taylor, who was on St. George Island in the year 1881, reports that he has seen forty cows in one harem and that the bull was constantly trying to obtain more.[5] Organization of the harems.

This is but one instance of the great powers of fertilization possessed by the male seal. Mr. Taylor further states that he believes a bull can serve over a hundred cows during a season;[5] Capt. Bryant says from seventy-five to one hundred;[6] and Gen. Scribner affirms it as his opinion that a bull could fertilize a hundred or more cows;[7] and he is supported in this by Capt. Daniel Webster, who, as agent of the lessees, has Powers of fertilization.

[1] J. Stanley Brown, Vol. II, p. 13.
[2] Anton Melovedoff, Vol. II, p. 144.
[3] J. Stanley Brown, Vol. II, p. 14; T. F. Morgan, Vol. II, p. 63.
[4] J. Stanley Brown, Vol. II, p. 14; Charles Bryant, Vol. II, p. 6.
[5] Vol. II, p. 177.
[6] Vol. II, p. 6.
[7] Vol. II, p. 89.

Powers of fertilization.

resided on the islands for over twenty-two years, and who prior to that time had been actively engaged in the sealing industry.[1] Dr. Allen thinks a bull is able to serve from forty to sixty cows.[2] Mr. Samuel Falconer states that a bull is capable of fertilizing at first six to eight cows a day.[3]

Coition.

The act of coition takes place upon land, which, by reason of the formation of the genital organs, is similar to that of other mammals.[4] It is violent in character, and consumes from five to eight minutes.[5] Copulation in the water is affirmed by Mr. Stanley Brown, Dr. McIntyre, and others to be impossible.[6] The former bases his opinion on careful observation and on the fact that the cow being so much smaller than the male (a cow weighs from seventy-five to one hundred and twenty pounds) she would be entirely submerged and would be compelled to remain beneath the surface longer than would be possible. Dr. McIntyre makes the assertion on twenty years of careful study of seal life

[1] Vol. II, p. 183.

[2] Article by Dr. Allen, Part III, Vol. I, p. 407.

[3] Vol. II, p. 166.

[4] Report of American Bering Sea Commissioners, *post*, p. 327; J. Stanley Brown, Vol. II, p. 14.

[5] Report of American Bering Sea Commissioners, *post*, p. 325; J. Stanley Brown, Vol. II, p. 14.

[6] Vol. II, p. 14; Vol. II, p. 42; J. M. Morton, Vol. II, p. 67.

under the most favorable circumstances. Undoubtedly the sea otter, whose habit of pelagic coition is well known, has often been mistaken for the fur-seal, which has resulted in many believing that the latter copulate in the water.[1] Mr. Falconer, although he does not affirm that the act of reproduction is impossible in the water, states that he does not believe it could be effectual, and that it would be most unnatural.[2] Dr. Allen, in considering this question, after giving an account of the jealous guardianship of the bull over his harem, says: "If parturition and copulation could occur in the sea, the exercise of any such tyrannical jurisdiction of the males over the females would be impossible, and the seraglio system, so well established, not only in the case of this species, but in all its allies, would not be the one striking feature in the sexual economy of the whole eared-seal family, wherever its representatives are found."[3] Coition.

During the entire rutting season, which lasts for at least three months, the bulls remain constantly upon the breeding grounds, never leaving their positions, and never eating or drinking, and sleeping very little.[4] Fasting.

[1] Article by Dr. Allen, Part III, Vol. I, p. 407; J. Stanley Brown, Vol. II, p. 15.

[2] Vol. II, p. 165.

[3] Article by Dr. Allen, Part III, Vol. I, p. 407.

[4] T. F. Morgan, Vol. II, p. 63; Charles Bryant, Vol. II, p. 6.

Disorganization of the rookeries.

After all the cows have been fertilized and the pups begin to form into "pods," the order formerly existing on the breeding grounds gives place to disorder. The bulls no longer restrain the cows in their movements, and the rookeries become disorganized.[1]

Departure from islands.

Some of the bulls at this time (about the 1st of August) begin to leave the islands, and continue going till the early part of October.[2] They are very lean and lank after their long fast, but the following May return to the rookeries as thickly enveloped in blubber and as vigorous as the former season.[3]

Vitality.

The bull seal must necessarily possess almost unsurpassed powers of vitality and virility to remain for such a period without nourishment of any sort, and still be able to fertilize so many females.

THE COWS.

The cows or breeding female seals are much smaller than the bulls, the average weight being

[1] J. Stanley Brown, Vol. II, p. 16; T. F. Morgan, Vol. II, p. 63; Aggie Kushin, Vol. II, p. 130; John Fratis, Vol. II, p. 108.

[2] H. H. McIntyre, Vol. II, p. 42; Samuel Falconer, Vol. II, p 166; Anton Melovedoff, Vol. II, p. 144; Aggie Kushin, Vol. II, p. 129.

[3] T. F. Morgan, Vol. II, p. 63; H. H. McIntyre, Vol. II, p. 43; J. C. Redpath, Vol. II, p. 148.

less than one hundred pounds; the age of puberty is probably two years.[1]

Age.

The exact age which is reached by a cow is necessarily a matter of conjecture, but microscopic examinations under the direction of Capt. Bryant showed that some of the older females had borne at least eleven to thirteen pups.[2] It is therefore safe to say that a cow lives to be at least fifteen years old.

Harem life.

After a cow lands on the rookeries and is delivered of her pup she is jealously guarded by the bull to whose harem she belongs, until again fertilized,[3] which probably takes place within two weeks.[4] The exact period of gestation is not definitely known, but is believed to be about fifty weeks.[5]

Number of pups at a birth.

A cow produces but one pup at a birth,[6] and Mr. Falconer adds that "two at a birth is as rare an occurrence as a cow to bring forth two calves, and that during his entire experience of seven years he never heard of this happening

[1] H. H. McIntyre, Vol. II, p. 12; Samuel Falconer, Vol. II, p. 165.
[2] Vol. II, p. 6.
[3] J. Stanley Brown, Vol. II, p. 15.
[4] Samuel Falconer, Vol. II, p. 165.
[5] Report of American Bering Sea Commissioners, *post*, p. 326.
[6] W. H. Dall, Vol. II, p. 21; F. F. Morgan, Vol. II, p. 63; H. W. McIntyre, Vol. II, p. 136; Kerrick Artomanoff, Vol. II, p. 100.

Number of pups at a birth.

but once.[1] The young at birth are about equally divided as to sex.[2]

A cow as soon as a pup is brought forth begins to give it nourishment,[3] the act of nursing taking place on land and never in water,[4] and she will only suckle her own offspring.[2] This fact is verified by all those who have studied seal life or had experience upon the islands.[5] Mr. Morgan says: "The pup does not appear to recognize its mother, attempting to draw milk from any cow it comes in contact with; but a mother will at once recognize her own pup and will allow no other to nurse her. This I know from often observing a cow fight off other pups who approached her, and search out her own pup from among them, which I think she recognizes by its smell and cry."[6] Mr. Falconer says: "A mother will at once recognize her pup by its cry, hobbling over a thousand bleating pups to reach her own, and every other approaching her save this little animal she will

Nourishes only her own pup.

[1] Vol. II, p. 165.

[2] Report of American Bering Sea Commissioners, *post*, p. 326.

[3] J. Stanley Brown, Vol. II, p. 15.

[4] Report of American Bering Sea Commissioners, *post*, p. 326. See also Appendix C of same, *post*, p. 387.

[5] W. H. Dall, Vol. II, p. 23; H. H. McIntyre, Vol. II, p. 41; Karp Buterin, Vol. II, p. 104.

[6] Vol. II, p. 62.

drive away."[1] These facts are verified by many others experienced in the habits of seals.[2] Nourishes only her own pup.

This habit of a cow is another evidence of the absolute dependence of a pup seal upon its mother. Capt. Bryant says in this connection: "I am positive that if a mother seal was killed her pup must inevitably perish by starvation. As evidence of this fact I will state that I have taken stray, motherless pups, found on the sand beaches, and placed them upon the breeding rookeries beside milking females, and in all instances those pups have finally died of starvation."[3] Capt. Bryant's statement as to the certainty of death to the pup if its mother was destroyed is sustained by many experienced witnesses.[4] Death of cow causes death of pup.

Necessarily after a few days of nursing her pup the cow is compelled to seek food in order to provide sufficient nourishment for her offspring.[5] Soon after coition she leaves the pup on the rookery and goes into the sea,[6] and as the Feeding.

[1] Vol. II, p. 164.

[2] J. H. Moulton, Vol. II, p. 71; W. S. Hereford, Vol. II, p. 33; Nicoli Krukoff, Vol. II, p. 133; John Fratis, Vol. II, p. 108; Daniel Webster, Vol. II, p. 180; J. C. Redpath, Vol. II, p. 148.

[3] Vol. II, p. 5.

[4] W. H. Dall, Vol. II, p. 23; George Wardman, Vol. II, p. 178.

[5] J. Stanley Brown, Vol. II, p. 15; Daniel Webster, Vol. II, p. 180.

[6] Report of American Bering Sea Commissioners, *post*, p. 329; H. H. McIntyre, Vol. II, p. 42; Samuel Falconer, Vol. II, p. 166; Article by Dr. Allen, Part III, Vol. I, p. 407; H. W. McIntyre, Vol. II, p. 136.

Feeding.

pup gets older and stronger these excursions lengthen accordingly until she is sometimes absent from the rookeries for a week at a time.[1]

Food.

The food of all classes of fur seals consists of squids, fishes, crustaceans, and mollusks,[2] but squids seem to be their principal diet, showing the seals are surface feeders.[3] On account of the number of seals on the islands fish are very scarce in the neighboring waters;[4] this necessitates the cows going many miles in search of her food.

Feeding excursions.

They undoubtedly go often from one hundred to two hundred miles from the rookeries on these feeding excursions.[5] This fact is borne out by the testimony of many experienced sealers, who have taken nursing females a hundred miles and over from the islands,[6] and Capt. Olsen, of the steam schooner *Anna Beck*, states, through the Victoria Daily Colonist, of August 6, 1887

[1] Nicoli Krukoff, Vol. II, p. 133; John Fratis, Vol. II, p. 108; Kerrick Artomanoff, Vol. II, p. 100.

[2] Report of American Bering Sea Commissioners, Appendix E, *post*, p. 393; W. H. Dall, Vol. II, p. 23; T. F. Morgan, Vol. II, p. 62.

[3] Report of American Bering Sea Commissioners, Appendix E, *post*, p. 396.

[4] S. N. Buynitsky, Vol. II, p. 21.

[5] Report of American Bering Sea Commissioners, *post*, p. 329.

[6] Michael White, Vol. II, p. 490; Alfred Irving, Vol. II, p. 386; James Sloan, Vol. II, p. 477; Martin Hannon, Vol. II, p. 445; Chad George, Vol. II, p. 366; Wilton C. Bennett, Vol. II, p. 357; Victor Jackobson, Vol. II, p. 328.

(which is published in the British Blue Book, 1890, C–6131, p. 84), that "anyone who knows anything of sealing is aware that such a charge [catching seals in Alaskan waters within three leagues of the shore] is ridiculous, as we never look for seals within twenty miles of shore. They are caught all the way from between twenty and one hundred and fifty miles off the land." Capt. Dyer, of the seized sealing schooner *Alfred Adams*, confirmed the above statement by saying: "We had never taken a seal within sixty miles of Unalaska, nor nearer St. Paul than sixty miles south of it."[1] Among the depositions taken before Mr. A. R. Milne, collector of customs of the port of Victoria, British Columbia, several of the deponents give testimony as to the usual sealing distance from the Pribilof Islands while in Bering Sea. Capt. William Petit, present master and part owner of the steamer *Mischief*, gives such distance as from sixty to one hundred miles, and states that seals are found all along that distance from land in large numbers.[2] Capt. Wentworth Evelyn Baker, master of the Canadian schooner *C. H. Tupper*, and formerly master of the schooner *Viva*, says that the distance from land was from thirty to

Feeding excursions.

[1] British Blue Book, U. S. No. 2, 1890, C–6131, p. 108.
[2] British Blue Book U. S. No. 3 (1892), C–6635, p. 171.

Feeding excursions.

one hundred miles, usually sixty miles.[1] And Capt. William Cox, master of the schooner *Sapphire*, places the principal hunting ground at one hundred miles from the islands of St. George and St. Paul.[2] Capt. L. G. Shepard, of the United States Revenue Marine, who seized several vessels while sealing in Bering Sea in 1887 and 1889, states: "I have seen the milk come from the carcasses of dead females lying on the decks of sealing vessels which were more than a hundred miles from the Pribilof Islands." He further adds that he has seen seals in the water over one hundred and fifty miles from the islands during the summer.[3] The course of sealing vessels and their daily catch show also that the majority of the seals taken in Bering Sea are secured at over one hundred miles from the Pribilof Islands.[4]

The distance that the seals wander from the islands during the summer in their search for food is clearly shown by the "Seal Chart" compiled from the observations of the American cruisers during their cruises in Bering Sea in July, August, and September, 1891.[5]

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[1] British Blue Book, U. S. No. 3 (1892), C–6635, p. 173.
[2] *Ibid.* p. 191.
[3] L. G. Shepard, Vol. II, p. 189.
[4] Logs of sealing vessels seized, Vol. I, p. 525.
[5] "Seal Chart" in portfolio of maps and charts.

The great distance of the feeding grounds from the islands is not remarkable, as the seals are very rapid swimmers and possess great endurance.[1] Thomas Mowat, esq., inspector of fisheries for British Columbia, in the annual report of the Department of Fisheries of the Dominion of Canada (1886), at page 267, makes the following statement, which corroborates the foregoing: "Capt. Donald McLean, one of our most successful sealing captains, and one of the first to enter into the business of tracking seals from California to Bering Sea, informs me he has known bands of seals to travel one hundred to two hundred miles a day, feeding and sleeping during a portion of this time." Capt. Bryant, with long experience as master mariner of a whaling vessel, states that he is convinced that a seal can swim more rapidly than any species of fish, and that a female could leave the islands, go to the fishing grounds a hundred miles distant and easily return the same day.[2] But in case these excursions consumed a longer time, the peculiar physical economy of the pup seal makes it possible for it to exist several days without nourishment.[3]

Speed in swimming.

The length of time that a pup is dependent upon its mother, as heretofore stated, compels

Departure from islands.

[1] Charles Bryant, Vol. II, p. 6; W. S. Hereford, Vol. II, p. 35.
[2] Vol. II, p. 6.
[3] W. S. Hereford, Vol. II, p. 33; H. H. McIntyre, Vol. II, p. 41.

Departure from islands.

her to remain upon the islands until about the middle of November, when the cold and stormy weather induces her to depart, her pup being then able to support itself.

THE BACHELORS.

Arrival at the islands.

The bachelor seals, or nonbreeding males, ranging in age from one to five or six years, begin to arrive in the vicinity of the islands soon after the bulls have taken up their positions upon the rookeries,[1] but the greater number appear toward the latter part of May.[2] They endeavor to land upon the breeding grounds, but are driven off by the bulls[3] and compelled to seek the hauling grounds.[4]

The killable class.

From this class of seals are chosen the ones which are killed on the islands for their pelts, the bachelor from two to five years being selected.[5] The life on the hauling grounds is passed in sleeping, wandering about and making occasional trips to the water.[6] The older bachelors spend a good deal of time in the water, their instincts leading them to remain near the breed-

[1] J. Stanley Brown, Vol. II, p. 13; H. H. McIntyre, Vol. II, p. 43; Anton Melovedoff, Vol. II, p. 144; J. C. Redpath, Vol. II, p. 149.
[2] S. N. Buynitsky, Vol. II, p. 21.
[3] Louis Kimmel, Vol. II, p. 173; Aggie Kushin, Vol. II, p. 129.
[4] J. C. Redpath, Vol. II, p. 149; Kerrick Artomanoff, Vol. II, p. 100.
[5] S. N. Buynitsky, Vol. II, p. 21; Samuel Falconer, Vol. II, p. 166.
[6] H. H. McIntyre, Vol. II, p. 42.

ing grounds.[1] Mr. Falconer says that they always pursue a female when she is allowed to leave the harem and go into the water, but she always refuses them.[2] This is natural considering the fact that the cow is fertilized before being allowed to enter the water.[3] The killable class.

Both Capt. Bryant and Mr. Morgan say that in their opinion the bachelor seals feed very little while located on the islands,[4] and Mr. Glidden states that "the bachelors once in a while go into the water, but remain in the vicinity of the islands.[5] Anton Melovedoff, the native chief on St. Paul Island for seven years (1884–1891) states that he has "found that the seals killed in May and early June were fat and that their stomachs were full of food, principally codfish, and that later in the season they were poor and had nothing in their stomachs," and that, in his opinion, "none but the mother seals go out in the sea to eat during the time the herds are on the islands."[6] And his opinion in this matter corresponds with the views of natives Feeding.

[1] H. H. McIntyre, Vol. II, p. 43.
[2] Vol. II, p. 165.
[3] *Ante*, p. 115.
[4] Vol. II, p. 6; Vol. II, p. 63.
[5] Vol. II, p. 100.
[6] Vol. II, p. 144.

Feeding.

and whites who have been long resident on the Pribilof Islands.[1]

Mingling with the cows.

When the rookeries become disorganized, the bachelors, no longer fearing the bulls, which possess great ferocity during the rutting season, even attacking man,[2] move down onto the breeding grounds, and pups, cows, and bachelors mingle together indiscriminately.[3]

Departure from islands.

Here the bachelors remain until the time of their departure, which generally takes place at the same time the cows[4] and pups leave the islands, though a few bachelors always are found after that period.[5]

MIGRATION OF THE HERD.

The Alaskan seal herd is migratory from necessity, for when the weather has been particularly mild during certain winters seals have been found on land and in the vicinity of the islands the year round.[6] An examination of the table showing the annual killing of seals on St. Paul Island for several years proves conclusively

[1] Karp Buterin, Vol. II, p. 103; Nicoli Krukoff, Vol. II, p. 133; John Fratis, Vol. II, p. 108; Daniel Webster, Vol. II, p. 180; J. C. Redpath, Vol. II, p. 149; Kerrick Artomanoff, Vol. II, p. 100.

[2] J. Stanley Brown, Vol. II, p. 14.

[3] J. Stanley Brown, Vol. II, p. 16.

[4] H. H. McIntyre, Vol. II, p. 41.

[5] Tables of killing on St. Paul Island, Vol. II, p. 114.

[6] H. H. McIntyre, Vol. II, p. 41; Charles Bryant, Vol. II, p. 5.

the presence of seals on the islands for at least eight months of the year, and that they have in fact been killed there in every month of the year.[1]

Causes.

The primal cause of migration is undoubtedly the severity of the winter weather,[2] and to that may be added a lack of food supply.[3] The seals evidently consider these islands their sole home, and only leave them from being forced so to do.[4] If the climate permitted they would without doubt remain on or in the vicinity of the Pribilof Islands during the entire year.[5] That this is true is evidenced by the fact of their so remaining during unusually warm winters, as above stated, and from the further fact that the seals of the Galapagos Islands, which much resemble in their habits the Alaskan herd, do not migrate, not being compelled so to do by the weather.[6] Capt. Budington, who has had twenty years' experience as a sealer in the southern hemisphere, states that "the Terra del Fuego and Patagonian seals never leave the rookeries or the waters in the vicinity, only going out into the inland waters in search

[1] Table of killing on St. Paul Island, Vol. II, p. 114.

[2] W. H. Dall, Vol. II, p. 23, 24; Charles Bryant, Vol. II, p. 5; Daniel Webster, Vol. II, p. 180.

[3] Same authorities.

[4] Charles Bryant, Vol. II, p. 5; Samuel Falconer, Vol. II, p. 165; Kerrick Artomanoff, Vol. II, p. 100.

[5] Charles Bryant, Vol. II, p. 5; T. F. Morgan, Vol. II, p. 62; Article by Dr. Allen, Part III, Vol. I, p. 405.

[6] C. W. Reed, Vol. II, p. 472; see also Isaac Liebes, Vol. II, p. 515.

Causes.

of food. About Terra del Fuego no ice forms, and no snow falls that remains. The temperature remains about the same summer and winter."[1]

The course.

The fact exists, however, that the Alaskan seal herd is compelled to migrate. The course pursued, which is confined to the eastern side of the Bering Sea and Pacific Ocean, is to a certain extent conjectural, but sufficient data have been collected to state it with approximate accuracy. On leaving the islands in November or December the seals turn southward, pass through the channels of the Aleutian chain, and enter the Pacific Ocean.[2] The bulls after entering the ocean remain in the waters south of the Aleutian Islands and the Alaskan Peninsula, and in the early spring may be found near the Fairweather Ground. They are seldom seen below Baranoff Island.[3] Turning eastward after entering the ocean[4] the remainder of the herd, cows, bachelors and pups, begin to appear off the coast of California the latter part of December or first of January.[5] The seals now turn northward,[6] following up the coast, twenty, thirty or more miles

[1] J. W. Budington, Vol. II, p. 596.

[2] H. H. McIntyre, Vol. II, p. 42; T. F. Morgan, Vol. II, p. 62.

[3] Report of Capt. C. L. Hooper to the Treasury Department, dated June 14, 1892, Vol. I, p. 504.

[4] W. H. Dall, Vol. II, p. 24; Charles Bryant, Vol. II, p. 5.

[5] A. J. Hoffman, Vol. II, p. 446; Alfred Irving, Vol. II, p. 386.

[6] Charles Lutjens, Vol. II, p. 458; H. H. McIntyre, Vol. II, p. 42.

from land.[1] The males pass much farther from the shore than the females, and travel more rapidly toward the islands.[2] The herd spreads along the coast in a long, irregular body, continually advancing northward until they begin to enter Bering Sea in May and June, through the eastern passes of the Aleutian Islands, seldom going west of Four Mountain Pass, but the last of the herd do not leave the Pacific until July.[3] The cows, however, are practically out of the Pacific Ocean by the middle of June.[4] A chart showing this migration has been prepared from the data contained in the depositions herewith submitted.[5] The course.

The manner of traveling of the seals is divided by the pelagic sealers into different heads, namely, "sleeping," when a seal rests and sleeps on its back on the surface of the water with only its nose and the tips of its hind flippers protruding from the waves;[6] "finning," when it lies on its back gently moving its flippers;[7] "rol- Manner of traveling.

[1] British Blue Book, U. S. No. 3 (1892), C-6635, p. 183; Annual Report of the Department of Fisheries, Dominion of Canada (1886), p. 267.

[2] Article by Dr. Allen, Part III, Vol. I, p. 405; Isaac Liebes, Vol. II, p. 454.

[3] Charles J. Hague, Vol. II, p. 207; C. H. Anderson, Vol. II, p. 205.

[4] H. H. McIntyre, Vol. II, p. 42; Watkins, Vol. II, p. 395; Alfred Irving, Vol. II, p. 386.

[5] See also Chart of Migration, Portfolio of maps and charts; British Blue Book, No 3 (1892), C-6635, p. 183.

[6] A. B. Alexander, Vol. II, p. 355.

[7] *Ibid.*, Vol. II, p. 355.

The course.

ling," when lazily engaged in rolling over upon the surface of the water;[1] "traveling" or "feeding," when moving rapidly through the water,[2] and "breaching," when leaping out of the water like a dolphin.[2]

Herd does not land except on Pribilof Islands.

During their migration the seals never land upon the coast and no rookeries of fur seals are known to exist upon the North American continent or the islands adjacent thereto, except at the Pribilof Islands. Upon this point there is a unanimity of testimony, by scientists,[3] experts,[4] seal hunters of long experience,[5] traders,[6] and Indians along the coast and Aleutian chain of islands,[7] which precludes the possibility of the existence of rookeries other than those on the

[1] A. B. Alexander, Vol. II, p. 355.

[2] *Ibid.*, Vol. II, p. 355.

[3] W. H. Dall, Vol. II, p. 23.

[4] H. H. McIntyre, Vol. II, p. 40; John Fratis, Vol. II, p. 107.

[5] Daniel Clausen, Vol. II, p. 412; Lutjens, Vol. II, p. 459; Andrew Laing, in British Blue Book, U. S. No. 3 (1892), p. 183.

[6] M. L. Washburne, Vol. II, p. 488.

[7] Chickinoff (Kadiak Island), Vol. II, p. 219; Paul Young (Kasan), Vol. II, p. 292; Billy Yeltachy (Howkan), Vol. II, p. 302; Schkatatin (Yakutat Bay), Vol. II, p. 243; Ntkla-ah (Chatham Sound), Vol. II, p. 288; Nechantake (Icy Bay to Wrangel), Vol. II, p. 241; George La Check (Sitka Bay), Vol. II, p. 265; Hoonah Dick (Cross Sound), Vol. II, p. 258; Eliah Prokopief (Attu Island), Vol. II, p. 215; Filaret Prokopief (Attu Island), Vol. II, p. 216; Samuel Kahoorof (Attu Island), Vol. II, p. 214; Chief Anna-tlas (Takou Inlet), Vol. II, p. 254; Metry Monin (Cooks Inlet), Vol. II, p. 226; Nicoli Gregaroff (Prince William Sound), Vol. II, p. 234; Hastings Yethnow (Kaswan), Vol. II, p. 303; George Ketwooschish (Southeastern Alaska), Vol. II, p. 251.

Herd does not land except on Pribilof Islands.

Pribilof Islands, or of the seals ever hauling out on the coast or neighboring islands; and Capt. Andersen, who has cruised seven years in Bering Sea, says the natives of Bristol Bay and St. Michael do not know what a fur-seal is.[1] Capt. Victor Jacobson, one of the best known sealers of Victoria, British Columbia, who has seen eleven years of seal hunting, and is the owner and master of the sealing schooner *Mary Ellen* and owner of the schooner *Minnie*, says: "I have never known a fur-seal to haul out upon any part of the coast of the United States, British Columbia, or Alaska. All parts of the coast have been visited by the seal hunters, and if seals hauled out any place it would have been known by the hunters."[2]

Herd does not enter inland waters.

This statement is made still stronger by the fact that the seals do not enter the inland waters of the coast during their migration, remaining always in the open sea or at the mouths of large bays, inlets, and gulfs.[3] Father Francis Verbeke, Roman Catholic priest at Barclay Sound, says that he has never seen or heard of fur-seals inside of Barclay Sound; they are all found out-

[1] Vol. II, p. 205.

[2] Vol. II, p. 329.

[3] John Margathe, Vol. II, p. 308; Billy Nahoo, Vol. II, p. 252; Koukonal, Vol. II, p. 251; Albert Keetnuck, Vol. II, p. 250

Herd does not enter inland waters.

side.[1] Rev. William Duncan, for thirty years a missionary among the Vancouver Indians, and whose successful labors in civilizing and Christianizing the Indians is well known in Canada and the United States, states that he has never heard of fur seal hauling upon the coast of British Columbia or Alaska, or anywhere save on the Pribilof Islands.[2] Shucklean, an old Indian of Killisnoo, Chatham Sound, states that the seals do not frequent those waters, and he never saw a man who had seen a seal pup.[3] Kah-chuck-tee, the old chief of the Huchenoo Indians, states that he has visited all the inlets and islands in Chatham Sound and other parts of Alaska as far as Sitka and never saw a fur seal in the inland waters, and adds he would have heard of seal hauling upon the islands or mainland of Alaska from the Indians, who traded with his tribe for herring oil, if such a thing had occurred, but he had never heard such a report.[4] Ruth Burdukofski, a native of Unalaska Island, states that "no old seals ever haul out in this vicinity," but that in the fall pups sometimes come on shore after a heavy blow from the

[1] Vol. II, p. 311. See also Dick or Ehenshesut, Vol. II, p. 306; Clat ka-koi, Vol. II, p. 305.

[2] Vol. II, p. 279.

[3] Shucklean, Vol. II, p. 253. See also Kesth Riley, Vol. II, p. 252; Toodays Charlie, Vol. II, p. 249.

[4] Kah-chuck-tee, Vol. II, p. 248.

north; these he believes to have been separated from their mothers, and seek shelter and rest from the storm on the island.[1] Pud Zaotchnoi, one of the Aleut chiefs at Atka Island (near the center of the Aleutian chain), says that fur-seals never rest on the shores in that region.[2] It has been supposed that the fur-seals which formerly frequented the Guadalupe Islands and the coast of southern California were a portion of the Pribilof Islands herd which remained south to breed; a recent examination of specimens by Dr. Allen, Dr. Merriam, and Mr. Theodore Gill, all naturalists of repute, has proven that the Guadalupe Island fur-seal belongs to a species of the genus *Arctocephalus*, which is entirely distinct from the *Callorhinus ursinus*, and have united in a paper to that effect.[3] It is therefore certain that the Pribilof herd do not breed or land at any other point except the Pribilof Islands.

Herd does not enter inland waters.

The Russian seal herd on leaving the Commander Islands instead of turning eastward, like the Alaskan herd, turns westward,[4] entering the

The Russian herd.

[1] Ruth Burdukofski, Vol. II, p. 206. See also Paul Repin, Vol. II, p. 207; S. Melovedoff, Vol. II, p. 209, and David Salamatoff, Vol. II, p. 209; Ivan Krukoff, Vol. II, p. 209.

[2] Vol. II, p. 213. See also Kassian Gorloi, Vol. II, p. 213.

[3] Article by Dr. Allen, Part III, Vol. I, p. 406; Statement by Dr. Allen, Dr. Merriam, and Mr. Theodore Gill, Vol. I, p. 586. See also Isaac Liebes, Vol. II, p. 455.

[4] Charles J. Hague, Vol. II, p. 207.

The Russian herd.

Sea of Okhotsk, where they are often found by whalers in the early spring,[1] and also range along the Japan coasts.[2] This shows the similarity of habits of these two herds, but at the same time is further evidence that they never intermingle.

MANAGEMENT OF THE SEAL ROOKERIES.

RUSSIAN MANAGEMENT.

After the discovery of the Pribilof Islands several Russian fur companies sent expeditions thither for the purpose of procuring seal skins and annually great numbers were taken. When the Russian American Company came into possession of these valuable rookeries in 1799, this unlimited slaughter ceased and a limitation was placed upon the number to be taken. Becoming more familiar with the condition and habits of the animals, especially their habit of polygamy, a further limitation was enforced providing that male seals alone should be killed, but no limitation was fixed as to the age of such males, the skins being procured from bulls, bachelors, and gray pups alike, the demands of the Chinese market being the principal guide as to the class taken. Toward the close of the Russian occu-

[1] Charles Bryant, Vol. II, p. 4.

[2] Report of American Bering Sea Commissioners, *post*, p. 323.

pation, however, the taking of gray pups was practically stopped, except for food and seal oil, and the bachelor seals supplied nearly all the skins taken on the islands.[1] Under the general protective system adopted by Russia for seal life and the restrictions added from time to time, the seal herd continued to increase[2] until the Managers of the Russian American Company considered it possible and expedient to take seventy-thousand skins from St. Paul Island without danger of depleting the seal population.[3] The Aleuts, who had been brought to the islands when the company first came into possession of the rookeries, had through generations of experience become expert in the handling and taking of seals and discriminating between the killable and nonkillable classes; so that the annual quota of skins was procured with the least possible waste of life and disturbance of the breeding seals.

[1] Letter from Board of Administration of Russian American Company to Chief Manager Voyevodsky, dated April 24 1854, Vol. I, p. 82.

[2] Letter from the Chief Manager to the Board of Administration of the Russian American Company, dated January 13, 1859; Vol. I, p. 86; also same to same, dated October 7, 1857, Vol. I, p. 84.

[3] Letter from the Chief Manager of the Russian American Colonies to Mr. Milovidof, Manager of St. Paul Island, dated May 1 1864, Vol. I, p. 89.

THE SLAUGHTER OF 1868.

When the United States came into possession of these islands by the cession of 1867, it was impossible immediately to formulate an administrative system for all portions of the territory then so little known and so distant from the seat of government. The year 1868 was one of interregnum at the Pribilof Islands. Prof. W. H. Dall visited them that year, and briefly describes the state of affairs there existing. He says: "During my visit to St. George Island in 1868 this vast territory of Alaska had just fallen into the possession of the United States, and the Government had not yet fairly established more than the beginning of an organization for its management as a whole, without mentioning such details as the Pribilof Islands. In consequence of this state of affairs, private enterprise in the form of companies dealing in furs had established numerous sealing stations on the islands during 1868. During my stay, except on a single occasion, the driving from the hauling grounds, the killing and skinning, was done by the natives in the same manner as when under the Russian rule, each competing party paying them so much per skin for their labor in taking them. Despite the very bitter and more or less unscrupulous com-

petition among the various parties, all recognized the importance of preserving the industry and protecting the breeding grounds from molestation and for the most part were guided by this conviction."[1] There being, however, no limitations as to numbers, about two hundred and forty thousand bachelor[2] seals' skins were taken that year from the Pribilof Islands.[3] The same year the United States Government had sent an agent to these islands, who unfortunately was delayed and compelled to winter at Sitka.[4]

AMERICAN MANAGEMENT.

The following spring (1869) the Goverment agent, Dr. H. H. McIntyre, and a revenue vessel, under command of Capt. John A. Henriques,[4] reached the islands, and immediately took precautions to protect the seal herd from molestation; especial care being taken to prevent the breeding seal from being disturbed. The dogs on the islands were killed, and the firearms of the natives were taken possession of by the Government officials, in order that neither might terrify the occupants of the rookeries.[5] After these pre-

[1] Vol. II, p. 23.
[2] George R. Adams, Vol. II, p. 157.
[3] T. F. Morgan, Vol. II, p. 63.
[4] H. H. McIntyre, Vol. II, p. 47.
[5] J. A. Henriques, Vol. II, p. 31; Charles Bryant, Vol. II, p. 8.

cautions the United States took up the consideration of the most advantageous manner of working the seal industry.

The lease of 1870.

Various recommendations and suggestions were made to the Congress of the United States in relation to this matter, but after a thorough and careful examination of the various methods proposed the most expedient was found to be the leasing of the islands to a single, reliable company, under the immediate supervision and control of agents of the United States Treasury Department duly appointed for that purpose. Pursuant to such investigation and conclusion, the Congress of the United States on July 1, 1870, passed an act accordingly,[1] and in August, 1870, Mr. Boutwell, Secretary of the Treasury, advertised for bids for the lease of the "seal fisheries" for twenty years. Of fourteen bids[2] offered by different companies and associations, that of the Alaska Commercial Company, with a capital of $2,000,000, was accepted by the Treasury as the one best fitted to promote "the interests of the Government, the native inhabitants, the parties heretofore engaged in the trade, and the protection of the seal fisheries," as required by the act of July 1, 1870.[3] The method

[1] U. S. Stats. at Large, Vol. XVI, c. 189.

[2] H. R. Doc. No. 108, Forty-first Congress, pp. 5–9.

[3] H. R. Doc. No. 108, Forty-first Congress, pp. 19, 20.

of managing the rookeries thus established allowed the lessees to take one hundred thousand male seals over one year old during the months of June, July, September, and October of each year, and prohibiting the use of firearms or other methods tending to drive away the seals from the islands and the killing of seals in the water. In consideration for the skins thus obtained the lessees covenanted to pay to the Treasury of the United States annually fifty-five thousand dollars as rental of said islands, a revenue tax or duty of two dollars upon each fur-seal skin taken and shipped by them, and the further sum of sixty-two and one-half cents for each fur-seal skin taken; also to furnish, free of charge, the inhabitants of the islands of St. Paul and St. George annually twenty-five thousand dried salmon, sixty cords firewood, a sufficient quantity of salt and preserved meat; also to maintain a school on each island for at least eight months in each year, and not to sell any distilled spirits or spirituous liquors on said islands.[1] The lease thus granted was more advantageous to the Government of the United States and the inhabitants of the Pribilof Islands than the terms of leasing provided for in the act

Terms of lease.

[1] Lease to Alaska Commercial Company, Vol. I, p. 104.

Terms of lease.

of July 1, 1870,[1] and far more favorable than the lease of the Commander and Robben islands granted by the Russian Government to the same company in 1871.[2]

Amendment of 1874.

On the 24th of March, 1874, an act amendatory of the act of July 1, 1870, was passed by Congress, by which the Secretary of the Treasury was given authority to designate the months in which seals might be taken on the islands and the number to be taken thereon;[3] thus placing the immediate control of the killing in the hands of the Government officials, with power to modify and reduce the quota allowed, at any time when it was deemed necessary for the protection of seal life upon the islands. It is evident, therefore, that the United States has taken the greatest precautions to limit the number killed in such a way as to preserve the seal herd from depletion.

Investigation of 1876.

The origin and practical workings of the lease of 1870 were made the subject of an elaborate investigation in 1876 by the Committee of Ways and Means of the Forty-fourth Congress, who reported that in their opinion the terms of the lease were highly favorable to the Government and

[1] Report No. 623, House of Representatives, Forty-fourth Congress, first session, p. 8.

[2] Report No. 623, House of Representatives, Forty-fourth Congress, first session, p. 7.

[3] U. S. Stats. at Large, vol. XVII, c. 64, p. 24.

all parties concerned; and that "the contract as made was the best disposition of this interest that could have been made, for it is certain that it has resulted in the receipt of a very large revenue to the Treasury and in an amelioration of the physical and moral condition of the natives."[1] Investigation of 1876.

In a subsequent investigation in 1888, by the Committee on Merchant Marine and Fisheries of the Fiftieth Congress the same conclusion was reached, the report stating: Investigation of 1888.

"That the Alaska Commercial Company has fully performed its contract with the Government and has contributed largely to the support, maintenance, comfort, and civilization of the inhabitants, not only of the seal islands, but also to those of the Aleutian Islands, Kadiak, and the mainland."[2]

Both the above-mentioned committees also took into consideration the method of administering the seal rookeries as established by the act of July 1, 1870. One of the three following means must of necessity have been adopted for the management of the islands, viz, (1) leasing to a company; (2) making the rookeries free to the public; or (3) the Government itself working the rookeries. Methods of management.

[1] Report No. 623, House of Representatives, Forty-fourth Congress, first session, p. 12.

[2] H. R. No. 3883, Fiftieth Congress, second session, p. xxiii.

Unlicensed working impracticable.

The second course would concededly have resulted in the extermination of the Alaska seal herd in a very short time,[1] as it has in all cases where seal killing has been general and unlimited.[2]

Working by Government impracticable.

The third method, direct management by the Government, was also deemed impracticable to the committees who investigated the question. The committee of Congress in 1876 reported that in their judgment the Government could not advantageously assume charge itself of the seal industry and did wisely to intrust it to the Alaska Commercial Company.[3] The committee of Congress which made a thorough examination of the question in 1888 reported: "All these witnesses (those examined by the committee) concur in testifying to the wisdom of the existing law on the subject, and favor the retention of the present system. All other existing rookeries are managed substantially in the same way by the different Governments to which they belong, all following the lead of Russia, who managed and protected our rookeries by a similar method from their discovery until their transfer to the United

[1] Senate Doc. No. 48, Forty-fourth Congress, first session, p. 4.

[2] *Post*, p. 218.

[3] Report No. 623, House of Representatives, Forty-fourth Congress, first session, p. 12.

States. It did not require the testimony of witnesses to convince the committee that the Government itself could not successfully manage this business."[1] It is evident from the nature of the industry that in case the sealing on the islands should be managed directly by the Government the opportunities for fraud and theft are very great on the part of the agents, who under the act of 1870 are prohibited from being in anyway connected or interested in the industry; as it is now the lessees and agents are restraints upon each other. Further, the business requires expert knowledge of seal habits, the market, and the transactions pertaining to the sale of the skins, necessitating the presence of agents, not only on the islands, but in San Francisco and London, who are thoroughly conversant with these points. Immediate Government management is at once seen to be impracticable under these circumstances and the present method employed to be the only feasible one.

Working by Government impracticable.

The careful investigations made by the Congressional committees showed that the Alaska Commercial Company had fulfilled the terms of the lease in all respects according to the require-

Workings of the lease of 1870.

[1] Report No. 3883, House of Representatives, Fiftieth Congress, second session, p. xxiii.

Workings of the lease of 1870.

ments of the Act of 1870;[1] that in compliance with the terms of the lease (many of which are not contained in the Act of 1870) the lessees furnished the inhabitants of the islands with a large number of commodious dwellings, without charging rent, and making free repairs;[2] built them two free schools;[3] kept stores at which goods were sold at low prices;[4] supplied them with free provisions, medicines, and medical attendance;[5] established and maintained for them a savings bank, with a total of over forty thousand dollars of deposits,[6] and prohibited the sale of intoxicating liquors on the islands.[7]

CONDITION OF THE NATIVES.

The improvement in the condition of the natives of the Pribilof Islands is one of the marked features of the benefit which has resulted

[1] Report No. 623, House of Representatives, Forty-fourth Congress, first session, p. 11; Report No. 3883, House of Representatives, Fiftieth Congress, second session, p. xxiii.

[2] Report No. 623, House of Representatives, Forty-fourth Congress, first session, p. 30; Report No. 3883, House of Representatives, Fiftieth Congress, second session., pp. 31, 32.

[3] Report No. 623, House of Representatives, Forty-fourth Congress, first session, pp. 30, 33; Report No. 3883, House of Representatives, Fiftieth Congress, second session, p. 31.

[4] Report No. 623, House of Representatives, Forty-fourth Congress, first session, p. 30, No. 3883, House of Representatives, Fiftieth Congress, second session, p. 32.

[5] Same report, p. 30.

[6] " " p. 31.

[7] " " p. 32.

from the management of these islands under the system adopted in 1870 by the Congress of the United States.

Under the Russian Company.

When the United States Government assumed control of the territory of Alaska the condition of these natives was wretched in the extreme, the Russian American Company having neglected their welfare and forced them into practical slavery. Capt. Bryant, who had an opportunity to observe their condition prior to active occupation of the islands by the United States, describes and compares the situation of the natives under Russian management and under the system inaugurated by the United States. His testimony on this point is as follows:

"When I first visited the seal islands, in 1869, the natives were living in semisubterranean houses built of turf and such pieces of driftwood and whalebones as they were able to secure on the beach. Their food had been prior to that time insufficient in variety and was comprised of seal meat and a few other articles furnished in meager quantity by the Russian Fur Company. They had no fuel and depended for heat upon the crowding together in their turf houses, sleeping in the dried grasses secured upon the islands.

"Forced to live under these conditions, they

Under the Russian Company.

could not of course make progress toward civilization. There were no facilities for transporting skins; they were carried on the backs of the natives, entailing great labor and hardship.

Under American control.

"Very soon after the islands came into the possession of the American Government all this was changed. Their underground earthen lodges were replaced by warm, comfortable wooden cottages for each family;[1] fuel, food, and clothing were furnished them at prices twenty-five per cent above the wholesale price of San Francisco; churches were built and schoolhouses maintained for their benefit, and everything done that would insure their constant advancement in the way of civilization and natural progress. Instead of being mere creatures of the whims of their rulers they were placed on an equal footing with white men and received by law a stipulated sum for each skin taken, so that about forty thousand dollars was annually divided among the inhabitants of the two islands. In place of the skin-clad natives living in turf lodges, which I found on arriving on the island in 1869, I left them in 1877 as well fed, as well clothed, and as well

[1] See photograph, Vol. II, p. 95, showing Village of St. Paul in 1870 and in 1891; and photographs of natives, Vol. II, pp. 8, 70, 133. Letter from Chief Manager Furuhelm to the Board of Administration of the Russian American Company, dated July 16, 1863; Vol. I, p. 88.

housed as the people of some of our New England villages. They had school facilities, and on Sunday they went to service in their pretty Greek church, with its tastefully arranged interior; they wore the clothing of civilized men and had polish on their boots. All these results are directly traceable to the seal fisheries and their improved management."[1] Under American control.

In this comparison of condition and in the marked improvement following the American occupation, Dr. H. H. McIntyre also gives a graphic account, which is substantially the same as the one above quoted.[2] Mr. Samuel Falconer, who reached the islands in 1870, and remained until 1877, gives an account of the condition in which he found the natives and the great change which took place while he was located at the islands. He says: "When I came there they were partially dressed in skins, living in filthy, unwholesome turf huts, which were heated by fires with blubber as fuel; they were ignorant and extremely dirty. When I left they had exchanged their skin garments for well-made, warm woolen clothes; they lived in substantial frame houses heated by coal stoves; they had become cleanly, and the children were attending school eight Improvement.

[1] Vol, II, p. 8.
[2] Vol. II p. 599.

Improvement.

months of the year.[1] They were then as well off as well-to-do workingmen in the United States, but received much larger wages. No man was compelled to work, but received pay through his chief for the work accomplished by him. A native could at any time leave the islands, but their easy life and love for their home detained them. When I first went there (1870) the women did a good share of manual labor, but when I came away (1877) the hard work was done by the men. I do not recall a single instance in history where there has been such a marked change for the better by any people in such a short time as there has been in the Pribilof Islanders since the United States Government took control of these islands."[2] Evidence might be multiplied on this point, but the foregoing testimony of eye-witnesses of the relative conditions of the natives under the Russian Company and again under that of the American Government is sufficient to show that the management of the Pribilof Islands by the United States has raised the inhabitants in a few years from a state of ignorance, wretchedness, and semibarbarism, which seventy years of the Russian Company's occupation had failed to alleviate, to a condition of liberty and civiliza-

[1] See photograph of school, Vol. II, pp. 9, 163.
[2] Vol. II, p. 162.

tion, which Europe and America need not feel ashamed to find among their citizens.* Improvement.

The civil government of the islands is provided for by sections 1973–1976 of the Revised Statutes of the United States,[1] under which the agent and his assistants are practically the governors of the islands. They have the entire control of the natives, protect them from the impositions of the lessees' agents, if such are attempted, and see that the supplies required by law for their sustenance are provided. The handling of the seals on the islands, being entirely done by the natives, is directly under the supervision of the Government agents. Government agents.

With the expiration of the Alaska Commercial Company's lease the United States Treasury Department again advertised for and received ten formal bids, which were carefully considered, and in 1890 the Government leased the seal islands for another period of twenty years to the present lessees, The North American Commercial Company, which was decided to be the most advantageous bidder for the Government. Lease of 1890.

* N. B.—It should be observed that the affidavits of natives on the Pribilof Islands are signed by them, and that they have not simply "made their cross," as would be the method employed by many citizens of the civilized nations of the world.

[1] Vol. I, p. 98.

Comparison of leases.

An examination of the lease now in force will show that it is not only more favorable to the Government, but also to the inhabitants of the islands than the former lease[1] in the following respects: (1) The rental is $60,000, instead of $55,000; (2) the tax per skin is $9.62½, instead of $2.62½; (3) 80 tons of coal are to be furnished the natives, instead of 60 cords of wood; (4) the quantity of salmon, salt, and other provisions to be furnished to them can be fixed by the Secretary of the Treasury; (5) the company is to furnish to the natives free dwellings, a church, physicians, medicines, employment, and care for the sick, aged, widows, and children; (6) instead of 100,000 seals per year, the company can take only 60,000 during the first year of the lease, and thereafter the catch is to be subject to the regulations of the Secretary of the Treasury. Under this lease it is difficult to see how the United States could have a more complete control over the seal industry on the islands, even if it took the entire management of the business. Leasing under such terms gives the Government absolute power in fixing the quota according to the condition of the herd, and at the same time avoids the details of management and disposing

[1] Lease to North American Commercial Company; Vol. I, p. 106.

of the skins, which are the especial difficulties in the way of the United States working the rookeries itself. The course thus adopted by the United States seems as free from criticism or improvement as any that can be suggested.[1] Comparison of leases.

THE SEALS.

Having reviewed the general management of the Pribilof Islands as it pertains to the United States Government and the native islanders, the next point for consideration is the management of the seal herd, the methods employed in taking the seals, and the results of these practices upon the number and condition of the herd.

The peculiar nature and fixed habits of the seal make it an animal most easy of control and management. A herd of seals is as capable of being driven, separated, and counted as a herd of cattle on the plains.[2] In fact, they much resemble these latter in the timidity of the females and the ferocity of the males. One example of the ease with which they can be controlled is mentioned by Mr. Falconer, who speaks of a herd of three thousand bachelor seals being left in charge of a boy after they Control and domestication.

[1] See favorable criticism of the methods employed in "Handbook of the Fishes of New Zealand," page 235.

[2] H. N. Clark, Vol. II, p. 159; "Handbook of the Fishes of New Zealand," page 235.

Control and domestication.

had been driven a short distance from the hauling grounds.[1] Mr. Henry N. Clark, who was for six years (1884–1889) in the employ of the Alaska Commercial Company and in charge of the "sealing gang" on St. George Island, and who is therefore especially competent to speak of the possibilities of driving and handling the seals, says: "I was reared on a farm and have been familiar from boyhood with the breeding of domestic animals, and particularly with the rearing and management of young animals, hence the comparison of the young seals with the young of our common domestic species is most natural. From my experience with both I am able to declare positively that it is easier to manage and handle young seals than calves or lambs.[2] Large numbers of the former are customarily driven up in the fall by the natives to kill a certain number for food, and all could be 'rounded up' as the prairie cattle are if there was any need for doing so.[3] All the herd so driven are lifted up one by one and examined as to sex, and while in this position each could be branded or marked if necessary. If the seal

[1] Vol. II, p. 162. See also J. C. Redpath, Vol. II, p. 152.
[2] See also John Fratis, Vol. II, p. 109.
[3] See also Watson C. Allis, Vol. II, p. 98.

rookeries were my personal property I should regard the task of branding all the young as no more difficult or onerous than the branding of all my calves if I were engaged in breeding cattle upon the prairies."[1] The foregoing statement as to the possibility of branding the young seals is supported by others equally experienced in seal life in the islands.[2] Dr. McIntyre, so long experienced in the handling of seals, says that "they are as controllable and amenable to good management upon the islands as sheep and cattle,"[3] and several other witnesses make like affirmations.[4] Chief Anton Melovedoff, already mentioned, states that "it is usually supposed that seals are like wild animals. That is not so. They are used to the natives and will not run from them. The little pups will come to them, and even in the fall, when they are older, we can take them up in our hands and see whether they are males or females. We can drive the seals about in little or large bands just as we want them to go, and they are easy to manage."[5]

Control and domesticaiton.

[1] Vol. II, p. 159.

[2] Charles Bryant, Vol. II, p. 5; S. M. Washburn, Vol. II, p. 156; H. V. Fletcher, Vol. II, p. 105; George H. Temple, Vol. II, p. 153.

[3] Vol. II, p. 53.

[4] J. M. Morton, Vol. II, p. 69; Leon Sloss, Vol. II, p. 91; H. V. Fletcher, Vol. II, p. 106; George H. Temple, Vol. II, p. 153; Gustave Niebaum, Vol. II, p. 77; John Armstrong, Vol. II, p. 2.

[5] Vol. II, p. 145.

Control and domestication.

Several other Pribilof islanders and white men long resident there make similar statements.[1]

This peculiar susceptibility to control has also been and is recognized by such a well-known scientist as Dr. E. von Middendorff, of Russia, who, in a letter dated May 6/18, 1892, says: "This animal is of commercial importance and was created for a domestic animal, as I pointed out many years ago. (See my 'Siberian Journey,' Vol. IV, Part I, p. 846.) It is, in fact, the most useful of all domestic animals, since it requires no care and no expense and consequently yields the largest net profit."[2]

Regulations for killing.

This power of domestication has made it possible to discriminate most carefully between the classes of seals killed and to enforce rules and regulations for the general management of the herd. Rear-Admiral Sir M. Culver-Seymour, in a dispatch to the British Admiralty, says: "The seals killed by the Alaska Commercial Company are all clubbed on land, where the difference of sex can easily be seen."[3]

Protection of females.

The first regulation enforced by the Government of the United States was that no female

[1] John Fratis, Vol. II, p. 109; Daniel Webster, Vol. II, p. 182; J. C. Redpath, Vol. II, p. 152; Simeon Melovedoff, Vol, II, p. 147.

[2] Letter of Dr. E. von Middendorff, Vol. I, p. 431.

[3] British Blue Book, U. S. No. 2 (1890), C-6131, p. 4.

seals should be killed.[1] Capt. Moulton, for eight years assistant Treasury agent on the islands, says: "No female is ever killed, and it is very seldom a female is driven."[2] Samuel Falconer assistant Treasury agent on the islands from 1870 to 1876, states that not more than two female seals a season were driven on St. George Island, and that he believed those were barren cows which had hauled up with the bachelors.[3] If a female seal was killed either intentionally or accidentally, the employé was fined.[4] This regulation preserves the producing sex, is not only observed by the native sealers on the Pribilof Islands, but the need of strictly conforming thereto is fully realized as a means of preservation of the species. Karp Buterin, the chief of the natives on St. Paul Island, who was born on the islands, and is the most intelligent of the natives,[5] says: "I know, and we all know, if we kill cows the seals soon die out and we would have no meat to eat; and if anyone told me to kill cows I would say no! If I or any of my people knew of anyone killing a cow, we would go and tell the

Protection of females.

[1] Louis Kimmel, Vol. II, p. 173; George Wardman, Vol. II, p. 178; H. G. Otis, Vol. II, p. 86; Anton Melovedoff, Vol. II, p. 142.

[2] Vol. II, p. 72; Daniel Webster, Vol. II, p. 181. J. C. Redpath, Vol. II, p. 149.

[3] Vol. II, p. 162.

[4] Anton Melovedoff, Vol. II, p. 139.

[5] Milton Barnes, Vol. II, p. 102.

Protection of females.

Government officer."[1] And Mr. C. L. Fowler, who has been employed on the islands since 1879, says that nothing offends the natives quicker than to have a female killed.[2] With the coöperation of the natives, who alone do the driving and killing, violation of this regulation is impossible. Another evidence of the strictness with which this rule is enforced is the testimony of furriers to the fact that the skins of female seals are never seen among those taken on the Pribilof Islands.[3]

The killable class.

The class of seals allowed to be killed are the nonbreeding males from one to five years of age which "haul out upon the hauling grounds remote from the breeding grounds."[4] The handling of this class of seals because of their separation from the "breeders" causes the least possible disturbance to the seals on the breeding grounds.[5]

Disturbance of breeding seals.

Besides this the most stringent rules have been and are enforced by the Government to prevent any disturbance of the breeding seals.[6] Capt. W. C. Coulson, of the United States

[1] Vol. II, p. 103.

[2] Vol. II, p. 25.

[3] G. C. Lampson, Vol. II, p. 565. See also favorable comment on the wisdom of this regulation in "Handbook of the Fisheries of New Zealand," p. 236.

[4] J. Stanley Brown, Vol. II, p. 16; T. F. Morgan, Vol. II, p. 62.

[5] J. Stanley Brown, Vol. II, p. 16; Daniel Webster, Vol. II, p. 183.

[6] Charles Bryant, Vol. II, p. 8; S. N. Buynitsky, Vol. II, p. 22.

Revenue Marine Service, who visited the islands in 1890 and 1891, says: "All firearms were forbidden and never have been used on these islands in the killing and taking of seals; in fact, unusual noise, even on the ships at anchor near these islands, is avoided. Visiting the rookeries is not permitted only on certain conditions, and anything that might frighten the seals is avoided. The seals are never killed in or near the rookeries, but are driven a short distance inland to grounds especially set apart for this work. I do not see how it is possible to conduct the sealing process with greater care or judgment."[1] Firearms are not permitted to be used on the islands from the time the first seal lands until the close of the season.[2]

Disturbance of breeding seals.

The number of seals allowed to be killed annually by the lessees was, from 1871 to 1889 inclusive, one hundred thousand,[3] but this number is variable and entirely within the control of the Treasury Department of the United States.[4] In 1889 Charles J. Goff, then the Government agent on the islands, reported to the Department that he considered it necessary to reduce the

Number killed.

[1] Vol. II, p. 414.
[2] J. C. Redpath, Vol. II, p. 150.
[3] J. Stanley Brown, Vol. II, p. 18; H. G. Otis, Vol. II, p. 85.
[4] J. Stanley Brown, Vol. II, p. 16.

Number killed.

quota of skins to be taken in 1890.[1] The Government at once reduced the number to sixty thousand and ordered the killing of seals to cease on July 20.[1] The 20th of July was fixed upon because in former years the taking of seals had practically ceased at that time, the breeding grounds and hauling grounds being up to that time entirely distinct and separate, and because during the period from June 1 to July 20 the skins were in the most marketable condition.[2] The killing of a portion of the surplus male life is undoubtedly a benefit to the herd, as it is with other domestic and polygamous animals. For it has always been found that such an act increases the number of the progeny.[3] The American Commissioners also demonstrate by the diagrams attached to their report, which are explained in the body of the document, that a large portion of the young male seals can be killed without reducing or affecting the normal birth rate.[4] The United States Government formerly allowed the natives to kill a few thousand male pups for food, but such killing has been prohibited.[5]

[1] Vol. II, p. 112.

[2] H. G. Otis, Vol. II, p. 86.

[3] Leon Sloss, Vol. II, p. 92; Gustave Niebaum, Vol. II, p. 77; J. C. Redpath, Vol. II, p. 152.

[4] Report of American Bering Sea Commissioners. *post*, p. 356.

[5] J. Stanley Brown, Vol. II, p. 18; see Regulations, Vol. I, p. 103.

Manner of taking.

The manner of taking seals on the islands is conducted with the greatest care and precautions[1] and is directly under the supervision of the Government agents.[2] The methods employed have been the same for twenty years,[3] without variation,[4] and it is the universal testimony of all acquainted with the methods employed that they can not be improved upon.[5] The natives, who are the only persons who ever drive or handle the seals,[6] start out between 2 and 6 o'clock in the morning when the weather is cool and there is the least liability of overheating the seals;[7] separating a small herd of bachelors from those occupying a hauling ground they drive them inland.[8] A hauling ground after a drive is given several days of rest and as a seal let go from the killing grounds always returns to the same hauling grounds, it has plenty of time to recuperate before being driven again.[9]

Driving.

The herd is then driven as slowly as possible while still keeping the animals in motion.[7] Ag-

[1] Charles Bryant, Vol. II, p. 8; M. C. Erskine, Vol. II, p. 422; W. C. Coulson, Vol. II, p. 414.
[2] B. F. Scribner, Vol. II, p. 89; J. H. Moulton, Vol. II, p. 72.
[3] W. S. Hereford, Vol. II, p. 36.
[4] H. H. McIntyre, Vol. II, p. 45.
[5] S. Falconer, Vol. II, p. 161.
[6] W. C. Coulson, Vol. II, p. 411; Samuel Falconer, Vol. II, p. 161; Simeon Melavidoff, Vol. II, p. 209.
[7] W. B. Taylor, Vol. II, p. 176.
[8] S. N. Buynitsky, Vol. II, p. 21.
[9] Daniel Webster, Vol. II, p. 182.

Driving.

gie Kushin, native priest on St. Paul Island, says: "The seals are never driven at a greater speed than one mile in three hours; and the men who do the driving have to relieve each other on the road because they travel so slow they get very cold."[1] Other native seal drivers and officials on the islands also speak of the slowness of the driving.[2] At suitable intervals the herd is halted and seals of the unmarketable age are allowed to separate themselves from the rest and return to the water.[3] The greatest care has always been taken not to overheat the animals during a "drive," because the effect is very injurious.[4] Louis Kimmel, assistant Treasury agent in 1882 and 1883, says: "In every case of a seal being killed on the "drive" I, as Government agent, imposed a fine in order that they might be more careful in the future.[5] Frequent stops are made to allow the seals to rest and cool off.[6] A drive is never undertaken while the sun is shining,[7] and if the sun unexpectedly comes out the drive is immediately aban-

[1] Vol. II, p. 129.
[2] J. C. Redpath, Vol. II, p. 150.
[3] Charles Bryant, Vol. II, p. 8.
[4] Samuel Falconer, Vol. II, p. 162; J. H. Moulton, Vol. II, p. 72.
[5] Vol. II, p. 173.
[6] J. H. Moulton, Vol. II, p. 72.
[7] J. H. Moulton, Vol. II, p. 72; A. P. Loud, Vol. II, p. 38; John Fratis, Vol. II, p. 107; Watson C. Allis, Vol. II, p. 97.

doned and the seals allowed to return to the water.[1] The natives understand how much fatigue can be endured by the seals and the kind of weather suitable for "driving,"[2] therefore the number of seals killed by overdriving or by smothering was very inconsiderable at all times.[3] J. C. Redpath, who has since 1875 been one of the lessees' agents on the islands, says: "As the regulations require the lessees to pay for every skin taken from seals killed by the orders of their local agents, and as the skin of an overheated seal is valueless, it is only reasonable to suppose that they would be the last men living to encourage or allow their employés to overdrive or in any manner injure the seals."[4] Mr. Wardman says: "Seals are rarely killed by overdriving."[5] Mr. Buynitsky says he never saw a single seal killed by overdriving,[6] and Capt. Moulton states that "a very few seals die during a 'drive', amounting to a very small fraction of one per cent of those driven. And in nine cases out of ten of those accidentally killed by smothering, the skins

Driving.

[1] Samuel Falconer, Vol. II, p. 162; J. H. Moulton, Vol. II, p. 72; B. F. Scribner, Vol. II, p. 90; John Fratis, Vol. II, p. 107.
[2] W. C. Coulson, Vol. II, p. 414.
[3] H. H. McIntyre, Vol. II, p. 45.
[4] Vol. II, p. 150.
[5] Vol. II, p. 178.
[6] Vol. II, p. 21.

Driving.

are saved."[1] The same statement as to the removal of the skins is stated by others, the skins being counted in the quota allowed to the lessees.[2] In fact it may be questioned whether any seals are ever killed on a "drive," except now and then one by smothering.[3]

Overdriving and redriving.

The effects of overdriving and redriving (that is, the repeated driving of the same animal several times during the season) upon the seals which from age or condition are unfit for killing, is of little or no importance in relation to seal life on the islands. After a "drive" the hauling ground is unmolested for several days and the seals let go from the killing grounds, returning to the same hauling grounds as is their habit, have, therefore, several days to rest and recuperate before undergoing whatever extra exertion is connected with being driven.[4] Certainly no male seal thus driven was ever seriously injured or his virility affected by such redriving.[5] Mr. John Armstrong, who from 1877 to 1886 was the lessees' agent on St. Paul Island, says: "The driving gave them, with rare exceptions, very

[1] Vol. II, p. 72. See also A. P. Loud, Vol. II, p. 38.

[2] George Wardman, Vol. II, p. 178; Samuel Falconer, Vol. II, p. 162; John Fratis, Vol. II, p. 107.

[3] John Fratis, Vol. II, p. 107.

[4] Daniel Webster, Vol. II, p. 182.

[5] A. P. Loud, Vol. II, p. 38; Charles Bryant Vol. II, p. 8; George Wardman, Vol. II, p. 179; Daniel Webster, Vol. II, p. 182.

Overdriving and redriving.

little more exercise than they appeared to take when left to themselves."[1] Anton Melovedoff, an educated native of St. Paul Island, and for seven years First Chief on the island, after stating the fact that before the American occupation the seals were driven sometimes twelve and one-half miles, says, "No one ever said in those days that seals were made impotent by driving, although long drives had been made for at least fifty years."[2] Mr. Samuel Falconer, in speaking of this question of redriving, says: "When we consider that the bulls, while battling on the rookeries to maintain their positions, cut great gashes in the flesh of their necks and bodies, are covered with gaping wounds, lose great quantities of blood, fast on the islands for three or four months, and then leave the islands, lean and covered with scars, to return the following season fat, healthy, and full of vigor to go through again the same mutilation, and repeating this year after year, the idea that driving or redriving, which can not possibly be as severe as their exertions during a combat, can affect such unequal vigor and virility is utterly preposterous and ridiculous."[3] Capt. Moulton, after eight years' experience on the

[1] Vol. II, p. 1.
[2] Vol. II, p. 142.
[3] Vol. II, p. 162. See also Daniel Webster, Vol. II, p. 183.

Overdriving and redriving.

islands, states it as his opinion that even if a seal was driven twelve successive days for the average distance between a hauling ground and a killing ground, its virility would not be at all impaired.[1] Mr. Taylor says in relation to injury to the reproductive powers of the male seals "it would at once be noticeable, for the impotent bull would certainly haul up with the bachelors, having no inclination and vigor to maintain himself on the rookeries."[2] The same methods of driving are employed on the Commander Islands, and the rookeries are smaller, necessitating more redriving and the drive on Copper Island takes often a day going over a ridge seven hundred feet high; and yet this driving, so much more severe than on the Pribilof Islands, has been carried on for over fifty years is sufficient evidence that redriving does not injure the reproductive force of the male seal.[3] All the drives on the Commander Islands are rougher and more severe than on the Pribilof Islands.[4] That this injury to the male portion of the herd has not occurred is evidenced by the testimony of many on the islands in later years,[5] and Mr. Redpath, resident

[1] Vol. II, p. 72.
[2] Vol. II, p. 177.
[3] C. F. Emil Krebs, Vol. II, p.196.
[4] N. B. Miller, Vol. II, p. 200.
[5] H. H. McIntyre, Vol. II, p. 45; J. Stanley Brown, Vol. II, p. 18; Daniel Webster, Vol. II, p. 182; J. C. Redpath, Vol. II, p. 151; C. L. Fowler, Vol. II, p. 25.

for seventeen years on the island, adds: "The man is not alive who ever saw a six or seven year old bull impotent."[1] The killing grounds are located near the water, so that those seals whose skins are unmarketable can readily and with little exertion return to that element; they are also established as near the hauling grounds as is possible without having the odor from the carcasses disturb the breeding seals.[2] If it were not for this unavoidable cause of disturbance attendant upon the killing and skinning of the animals, driving in any form would not be necessary, but as it is, the killing must take place at some distance from the hauling and breeding grounds, which compels a certain amount of driving.

Overdriving and redriving.

The improvement over the Russian methods is marked in this particular, for in 1873[3] horses and mules were introduced by the lessees to transport the skins to the salt houses, previous to which time all this labor had been done by the natives, who were the sole beasts of burden on the islands;[4] and, therefore, the killing grounds were located much nearer to the hauling grounds than

Improvement over Russian methods of taking.

[1] Vol. II, p. 151.

[2] J. H. Moulton, Vol. II, p. 72; Daniel Webster, Vol. II, p. 182.

[3] Charles Bryant, Vol. II, p. 8.

[4] Letter from Chief Manager Furuhelm to the Board of Administration of the Russian American Company, dated July 16, 1863.

Improvement over Russian methods of taking.

before this means of transportation was provided.[1] Anton Melovedoff states that "in the Russian times, before 1868, the seals were always driven across the island of St. Paul from North East Point (the largest of the rookeries) to the village salt house, a distance of twelve and one-half miles, but when the Alaska Commercial Company leased the islands they stopped long driving and built salt houses near to the hauling grounds, so that by 1879 no seals were driven more than two miles."[2] Other natives who were on the islands under both American and Russian control also speak of the shortening of the drives by the American lessees.[3] Under these improvements the killing season was reduced from three or four months under the Russian occupation to thirty or forty days,[4] showing how much American management has facilitated the taking of seals and reduced the number of days of disturbance to the herd. Kerrick Artomanoff, a native born on St. Paul Island sixty-seven years ago, and who has driven seals for fifty years and was chief for seventeen years, says: "The methods

[1] J. H. Moulton, Vol. II, p. 72; Charles Bryant, Vol. II, p. 9; H. H. McIntyre, Vol. II, p. 45.

[2] Vol. II, p. 142.

[3] Aggie Kushin, Vol. II, p. 129; Karp Buterin, Vol. II, p. 104; Daniel Webster, Vol. II, p. 182; J. C. Redpath, Vol. II, p. 150; Kerrick Artomanoff, Vol. II, p. 99.

[4] J. Stanley Brown, Vol. II, p. 18.

used by the Alaska Commercial Company and the American Government for the care and preservation of the seals were much better than those used by the Russian Government."[1] Improvement over Russian methods of taking.

When a "drive" arrives at the killing grounds the animals are allowed to rest and cool off; then they are divided into groups or "pods" of from twenty to thirty;[2] the killable seals are carefully selected, those of three and four years being preferred;[3] the killing gang then club those selected, allowing the remainder to return to the water. Killing.

The skins are removed from the carcasses, counted by the Government agent, salted and packed in "kenches" at the salt houses. The flesh of the seals is taken by the natives for food.[4] Salting and kenching.

Under the Russian management many skins were lost through the drying process, and also from the glutted condition of the Chinese market, where the greatest number of the skins were disposed of by barter. Bishop Veniaminof says (Vol. I, p. 296) that "in 1803 eight hundred thou- Improvement in treating the skins.

[1] Vol. II, p. 99.

[2] Daniel Webster, Vol. II, p. 182.

[3] H. H. McIntyre, Vol. II, p. 57; J. Stanley Brown, Vol. II, p. 16.

[4] Letter of Chief Manager Furuhelm to the Board of Administration of the Russian American Company, dated July 16, 1863, Vol. I, p. 88. A full account of the method of drying, salting, and packing the skins is given by Dr. H. H. McIntyre, Vol. II, p. 57.

Improvement in treating the skins.

sand skins had accumulated, there being no profitable sale for them at Kiakhta (the Chinese market town), and besides a large proportion of the skins became spoiled, and more than seven hundred thousand were burned or thrown into the sea." But under American control all skins are salted, as will be seen by an examination of the London Trade Sales, and there is no waste.

Increase.

Under this careful management of the United States Government the seal herd on the Pribilof Islands increased in numbers, at least up to the year 1881. This increase was readily recognized by those located on the islands.[1] Capt. Bryant says that in 1877 the breeding seals had increased to such an extent that they spread out on the sand beaches, while in 1870 they had been confined to the shores covered with broken rocks.[2] Mr. Falconer mentions the fact that in 1871 passages or lanes were left by the bulls through the breeding grounds to the hauling grounds, which he observed to be entirely closed up by breeding seals in 1876,[3] and in this statement he is borne out by the testimony of Dr. McIntyre.[4] It must be remembered also in this connection that two

[1] Gustave Niebaum, Vol. II, p. 77; H. W. McIntyre, Vol. II, p. 138; Daniel Webster, Vol. II, p. 181; J. C. Redpath, Vol. II, p. 151.

[2] Vol. II, p. 7.

[3] Vol. II, p. 161.

[4] Vol. II, p. 44.

hundred and forty thousand male seals had been destroyed in 1868, and that this increase took place in spite of that slaughter and although one hundred thousand male seals were taken annually upon the islands.[1] How this increase could be recognized has been already mentioned in connection with the question of estimating the number of seals, and is best shown by the charts marked A to K,[2] which have been verified by those most familiar with seal life during that period (1870 to 1881).[3] That this increase in the seal herd was undoubtedly the result of the methods and management employed by the American Government is a fact asserted and clearly proved.[4] Increase.

DECREASE OF THE ALASKAN SEAL HERD.

EVIDENCE OF DECREASE.

From the year 1880 to the year 1884–'85 the condition of the rookeries showed neither increase nor decrease in the number of seals on the islands.[5] In 1884, however, there was a Period of stagnation.

[1] London Trade Sales, Vol. II, p. 585; tables of seals taken, Vol. II, pp. 127 and 172.

[2] See portfolio of maps and charts and explanatory affidavits of H. H. McIntyre, Vol. II, p. 30; Charles Bryant, Vol. II, p. 3, and J. Stanley Brown, Vol. II, p. 20.

[3] H. H. McIntyre, Vol. II, p. 44; Charles Bryant, Vol. II, p. 7; T. F. Morgan, Vol. II, p. 64; Samuel Falconer, Vol. II, p. 167.

[4] J. C. Cantwell, Vol. II, p. 408; H. G. Otis, Vol. II, p. 87.

[5] J. Stanley Brown, Vol. II, p. 18; J. H. Moulton, Vol. II, p. 71; H. A. Glidden, Vol. II, p. 109.

Period of stagnation.

perceptible decrease noticed in the seal herd at the islands,[1] and in 1885 the decrease was marked in the migrating herd as it passed up along the American coast, both by the Indian hunters along the coast[2] and by white seal hunters at sea.[3] Since that time the decrease has become more evident from year to year, both at the rookeries[4] and in the waters of the Pacific Ocean and Bering Sea.[5] The Bering Sea Commissioners of both Great Britain and the United States, in their joint report, affirm that a decrease has taken place in the number of the seal herd;[6] so that the simple fact is accepted by both parties to this controversy. But the time when the seals commenced decreasing, the extent of such decrease, and its cause are matters for consideration.

On Pribilof Islands.

The American Bering Sea Commissioners, after an exhaustive examination of the condition of the rookeries, as to the evidence of their former limits, and of individual witnesses who had observed the rookeries for several years,

[1] J. H. Moulton, Vol. II, p. 71; M. C. Erskine, Vol. II, p. 422; Anton Melovedoff, Vol. II, p. 139.

[2] Alfred Irving, Vol. II, p. 387; Bowachup, Vol. II, p. 376; N. Gregaroff, Vol. II, p. 234.

[3] E. W. Littlejohn, Vol. II, p. 457; A. McLean, Vol. II, p. 437.

[4] J. H. Douglass, Vol. II, p. 419; M. C. Erskine, Vol. II, p. 422; N. Mandrogin, Vol. II, p. 140.

[5] James Kennedy, Vol. II, p. 449; Charles Lutjens, Vol. II, p. 459.

[6] Joint Report of Bering Sea Commissioners, *post*, p. 309.

On Pribilof Islands.

state that the spaces now covered by seals are much less in area than formerly, and that a marked yearly decrease is shown to have taken place during the last five or six years.[1] Karp Buterin, native chief of the St. Paul Islanders, who has lived on the island all his life, says: "Plenty schooners came first about eight or nine years ago and more and more every year since; and the seals get less ever since schooners came; and my people kept saying, "No cows! no cows!"[2] Dr. William S. Hereford, who was resident physician on the Pribilof Islands from 1880 to 1891, inclusive, says: "It is an indisputable fact that large portions of the breeding rookeries and hauling grounds are bare, where but a few years ago nothing but the happy, noisy, and snarling seal families could be seen;"[3] and Mr. A. P. Loud, assistant Treasury agent on the islands from 1885 to 1889, says there was a very marked decrease in the size of the breeding grounds from 1885 to 1889.[4] Capt. Coulson, of the United States Revenue Marine, who cruised in Bering Sea in 1870, 1890, and 1891, also mentions the fact that the decrease in one year (1890–'91) was

[1] Report of American Bering Sea Commissioners, *post*, p. 340.
[2] Karp Buterin, Vol. II, p. 103; See also C. L. Fowler, Vol. II, p. 25.
[3] Vol. II, p. 36.
[4] Vol. II, p. 38.

On Pribilof Islands.

very noticeable.[1] Commander Turner, Royal Navy, in a dispatch to Rear-Admiral Hotham, dated on the *Nymphie* at Esquimault, October 8, 1891, states that "on the largest rookery, a great tract of land, which a few years ago had been covered with seals, and the bowlders and rocks which had been worn smooth by them, was now totally deserted, and no increase had been observed on other rookeries to compensate for this deficiency."[2]

How great has been the decrease in the number of seals is most plainly shown by the charts marked A to K. The areas covered by breeding seals in 1891, which were carefully platted by the Government surveyor from observations and measurements made by him during his survey, should be compared with the lines of increase heretofore mentioned.[3] M. C. Erskine, a sea captain of twenty-four years' experience in Alaskan waters, speaks of the scarcity of seals in Bering Sea in 1890 as compared with the numbers seen in former years.[4] Treasury Agent Goff, who was in charge of the islands in 1889 and 1890, and who had reported the decrease of seals to the Government, in consequence of which report the

[1] Vol. II, p. 415.
[2] British Blue Book, U. S. No. 3 (1892) C-6635, p. 113.
[3] *Ante*, p. 165.
[4] Vol. II, p. 422.

number of seals to be taken had been reduced to sixty thousand, and the time for killing limited to July 20,[1] says: "As a result of the enforcement of these regulations the lessees were unable to take more than twenty-one thousand two hundred and thirty-eight seals of the killable age, of from one to five years, during the season of 1890, so great had been the decrease of seal life in one year, and it would have been impossible to obtain sixty thousand skins even if the time had been unrestricted."[2] He further adds that the weather in 1890 was as favorable to seal driving as in 1889 (when one hundred thousand skins were taken) and the driving was conducted as diligently in the latter year as in the former.[2] Besides the foregoing testimony, the natives and white residents on the islands state that the seals began to decrease in 1885 or 1886, and that the decrease has been the most rapid in the last three years.[3]

On Pribilof Islands.

Evidence.

Thomas Gibson, a seal hunter since 1881, says there has been a great decrease in the number of seals in the North Pacific and Bering Sea since

Along the coast.

[1] *Ante*, p. 153.

[2] Vol. II, p. 112.

[3] Anton Melovedoff, Vol. II, p. 143; Aggie Kushin, Vol. II, p. 128; Nicoli Krukoff, Vol. II, p. 132; John Fratis, Vol. II, p. 108; Alexander Hansson, Vol. II, p. 116; Daniel Webster, Vol. II, p. 181; C. L. Fowler, Vol. II, p. 141; Edward Hughes, Vol. II, p. 37.

Along the coast. he began hunting,[1] and he is supported in this statement by James L. Carthcut, captain of a sealing vessel from 1877 to 1887, Alexander McLean, a captain of a sealing schooner for eleven years, Daniel McLean, also with eleven years' experience, and many others.[2] Peter Brown, chief of the Makah Indians at Neah Bay, in the State of Washington, a tribe who from time immemorial have been expert seal hunters and have through their industry acquired much property[3] and are among the few civilized aboriginal tribes of North America, testifies to the decrease in the seal herd.[4] Hastings Yethow, an old Indian residing at Nicholas Bay, Prince of Wales Island, who has hunted seals from boyhood, says: "Since the white men with schooners began to hunt seal off Prince of Wales Island, the seals have become very scarce and unless they are stopped from hunting seal they will soon be all gone. If the white men are permitted to hunt seal much longer the fur-seal will become as scarce as the sea-otter, which were quite plenty around Dixon Entrance when I was a boy. The Indians are obliged to go a

[1] Vol. II, p. 432.

[2] G. Fogel, Vol. II, p. 424; G. Isaacson, Vol. II, p. 440; James Sloan, Vol. II, p. 477; J. D. McDonald, Vol. II, p. 266; Louis Culler, Vol. II, p. 321.

[3] Vol. II, p. 378.

[4] *Ibid.*, pp. 377, 378.

long way for seal now, and often return after two or three days' hunt without any."[1] George Skultka, chief of the Hyda Indians at Howkan, says: "There are no seals left now; they are most all killed off."[2] Chief Frank, Second Chief of the Kaskan Indians, states that "fur seal are not as plenty as they used to be and it is hard for the Indians to catch any," and closes his testimony with the words, "there is one thing certain, seals are getting scarce."[3] Thomas Lowe, a seal hunter belonging to the Clallam tribe, Vassili Feodor, a native hunter of the village of Soldovoi in Cooks Inlet, and many other Indians living along the coast from the Straits of Juan de Fuca to Cooks Inlet, make the same assertion.[4] That this decrease, in respect to which the evidence is so unanimous from every point of observation, was not caused by any change in the methods employed on the islands has already been shown by the testimony of numerous reliable witnesses, who prove that

Along the coast.

[1] Vol. II, p. 303. See also Chief Thomas Skowl, Vol. II, p. 300; Smith Natch, Vol. II, p. 299; Nashtou, Vol. II, p. 298; Robert Kooko, Vol. II, p. 296.

[2] Vol. II, p. 290.

[3] Vol. II, p. 280.

[4] Alfred Irving, Vol. II, p. 387; Circus Jim (Neah Bay), Vol. II, p. 380, 381; Weekennuesch (Barclay Sound), Vol. II, p. 311; Martin Singay (Sitka Bay), Vol. II, p. 268; Kinkooga (Yakutat Bay), Vol. II, p. 240; Mike Kethusduck (Sitka Bay), Vol. II, p. 262; Echon (Shakan) Vol. II, p. 280; Simeon Chin-koo-tin (Sitka Bay), Vol. II, p. 257.

Along the coast.

there was no change in the manner of handling and taking the seals in the last decade from that employed in former years, during which the seal herd materially increased.[1]

CAUSE.

Lack of male life not the cause.

Nor was this marked decrease chargeable to the fact that there were not sufficient males to serve the females resorting to the islands.[2] Mr. J. C. Redpath, already quoted as one thoroughly familiar with seal life on the islands, says: "A dearth of bulls on the breeding rookeries was a pet theory of one or two transient visitors, but it only needed a thorough investigation of the rookeries to convince the most skeptical that there were plenty of bulls and to spare, and that hardly a cow could be found on the rookeries without a pup at her side."[3] Karp Buterin, Head Chief of the natives of St. Paul Island, says: "Plenty of bulls all the time on the rookeries, and plenty bulls have no cows. I never seen a three-year-old cow without a pup in July; only two-year-olds have no pups."[4] Agent Goff particularly testifies that although the lessees had much diffi-

[1] *Ante*, p. 164.

[2] J. Stanley Brown, Vol. II, p. 18; Anton Melovedoff, Vol. II, p. 142; Daniel Webster, Vol. II, p. 181.

[3] Vol. II, p. 151.

[4] Vol. II, p. 104.

culty to procure their quota in 1889, a sufficient, number of males were reserved for breeding purposes.[1] Col. Joseph Murray, assistant agent on the islands in 1890, and still holding that position, says: "I saw nearly every cow with a pup by her side and hundreds of vigorous bulls without any cows."[2] And this statement is supported by Mr. J. Stanley Brown, who was on the islands in 1891.[3] Maj. W. H. Williams, the present agent of the United States Government on the Pribilof Islands, and who held that position in 1891, says: "During the season of 1891 nearly every mature female coming upon the rookeries gave birth to a young seal, and there was a great abundance of males of sufficient age to again go upon the breeding grounds that year, as was shown by the inability of large numbers of them to secure more than one to five cows each, while quite a number could secure none at all.[4] Aggie Kushin, for several years assistant priest in the Greek Catholic Church, and resident on St. Paul Island since 1867, says: "We noticed idle, vigorous bulls on the breeding rookeries because of the scarcity of cows, and I have noticed that the cows have decreased steadily every year since 1886,

Lack of male life not the cause.

[1] Vol. II, p. 172.
[2] Vol. II, p. 74.
[3] Vol. II, p. 14.
[4] Vol. II, p. 94.

Lack of male life not the cause.

but more particularly so in 1888, 1889, 1890, and 1891."[1] And the fact that the conflicts took place between the bulls on the rookeries in 1890 and 1891 is sufficient to show that virile males were not lacking.[2] It has also been shown that the decrease in the seals took place primarily among the female portion of the herd.

Raids on rookeries not the cause.

Raids upon the rookeries, or the unlawful killing of seals on the islands by unauthorized persons, though injurious to seal life,[3] have played no important part in the history of the rookeries, and the few thousand skins thus secured never affected the number of the seal herd to any extent.[4] The American Commissioners, after asserting that the number of seals killed by raiders is very inconsiderable, continue: "It is also difficult for one familiar with the rookeries and the habits of the seal to conceive of a raid being made without its becoming known to the officers in charge of the operations upon the islands. The 'raid theory,' therefore, may be dismissed as unworthy, in our judgment, of serious consideration."[5] Mr. Stanley

[1] Vol. II, p. 128. See also John Fratis, Vol. II, p. 109; H. N. Clark, Vol. II, p. 159; Daniel Webster, Vol. II, p. 181.

[2] Report of American Bering Sea Commissioners, *post*, p. 349.

[3] H. H. McIntyre, Vol. II, p. 46; T. F. Morgan, Vol. II, p. 65.

[4] W. B. Taylor, Vol. II, p. 177; J. H. Moulton, Vol. II, p. 72; H. H. McIntyre, Vol. II, p. 46; Aggie Kushin, Vol. II, p. 128; John Fratis, Vol. II, p. 108.

[5] Report of American Bering Sea Commissioners, *post*, p. 378.

Raids on rookeries not the cause.

Brown, in considering this question, and after a careful examination of the statistics relating thereto, says: "The inhospitable shores, the exposure of the islands to surf, the unfavorable climatic conditions, as well as the presence of the natives and white men, will always prevent raids upon the islands from ever being frequent or effective."[1] A further evidence of the infrequency of such marauding is clearly shown by the affidavit of Mr. Max Heilbronner, Secretary of the Alaska Commercial Company, as compiled from the records of said company,[2] and the statement compiled by the Treasury Department from the reports of their agents during American occupation, there being but sixteen such invasions reported.[3] If other raids had taken place besides these, the fact would have certainly have been known on the islands, as their effect would have been seen on the breeding grounds in the shape of dead carcasses of pups and other seals.[4] The difficulty of landing upon the rookeries without being discovered is also made evident from the ineffectual efforts of predatory vessels to land men on the islands, which are

[1] J. Stanley Brown, Vol. II, p. 18.
[2] Max Heilbronner's statement, Vol. II, pp. 112–127.
[3] Treasury Department, statement of raids, Vol. II, p. 519.
[4] Anton Melovedoff, Vol. II, p. 113.

Raids on rookeries not the cause.

described by members of the crew of such vessels.[1]

Management of rookeries not the cause.

If, then, this marked decrease in the Alaskan seal herd has not been caused by the way the seals are handled or killed upon the islands, nor by a lack of male life resulting from excessive destruction of bachelor seals by the lessees of the seal rookeries with the consent of the Government of the United States, nor by the depredations of marauding parties upon the islands, another cause of destruction must be sought.

Excessive killing the admitted cause.

It is admitted by all parties to this controversy that a decrease has taken place in the Alaskan seal herd which has been "the result of excessive killing by man."[2] The acts of man in destroying seal life can be performed either upon the islands which the seals have chosen for their home or in the waters of the Pacific Ocean or Bering Sea, while the herd is performing its annual migration or during its stay at the islands. That such destruction of the species on the islands has not caused the great decrease in the number of seals has already been shown; there remains, therefore, but one other possible cause, namely, the killing of seals during their migra-

Pelagic sealing the sole cause.

[1] Joseph Grymes, Vol. II, p. 434; Peter Duffy, Vol. II, p. 421.

[2] Joint Report of the American and British Commissioners, *post*, p. 309.

tion or in the waters adjacent to the islands; in other words, the sole cause of the present depleted condition of the Alaskan seal herd is the result of open-sea sealing. This is shown particularly from the fact that the decrease has been principally in the female portion of the seal herd,[1] which will be shown later to form from eighty to ninety per cent of the pelagic catch.[2] That such is the cause of decrease is the concurrent opinion of a great number of witnesses, Indians and whites, of many occupations and of varied experience. The American Bering Sea Commissioners, after a careful and exhaustive examination into the question of decrease, report the cause to be pelagic sealing.[3] Dr. J. A. Allen, after examining and duly weighing the sources of information, American, British, and Canadian, declares it to be his opinion that pelagic sealing has been the sole cause of the great decrease in the Alaskan seal herd.[4] Such witnesses as Thomas F. Morgan, H. H. McIntyre, and others, of twenty years' experience with the Alaskan herd and thoroughly conversant with all the conditions and phases of seal life, state

Pelagic sealing the sole cause.

Opinions.

American commissioners.

Dr. Allen.

Experts.

[1] Report of American Bering Sea Commissioners and the witnesses examined by them, *post*, p. 341; Karp Buterin, Vol. II, p. 103.

[2] Report of American Bering Sea Commissioners, *post*, p. 367.

[3] Report of the American Bering Sea Commissioners, *post*, p. 379.

[4] Article by Dr. Allen, Part III, Vol. I, p. 410.

Experts.

the sole cause of the decrease to be pelagic sealing.[1] Capt. Daniel Webster, already mentioned, and one of the most, if not the most, experienced white man in seal habits and life, after mentioning the increase of seals from 1870 to 1880 and the rapid decrease from 1884 to 1891, says: "In my judgment there is but one cause for that decline and the present condition of the rookeries, and that is the shotgun and rifle of the pelagic hunter, and it is my opinion that if the lessees had not taken a seal on the islands for the last ten years we would still find the breeding grounds in about the same condition as they are to-day, so destructive to seal life are the methods adopted by these hunters."[2] Dr. W. S. Hereford, with eleven years' experience on the seal islands, says: "I made the conditions of seal life a careful study for years, and I am firmly of the opinion their decrease in number on the Pribilof Islands is due wholly and entirely to hunting and killing them in the open sea."[3] Charles F. Wagner, who was located at Unalaska in 1871, and has been a fur trader since 1874 to the present time, says: "I am

[1] T. F. Morgan, Vol. II, p. 65; H. H. McIntyre, Vol. II, p. 46; Gustave Niebaum, Vol. II, p. 203.

[2] Vol. II, p. 184.

[3] Vol. II, p. 36.

sure the decrease is caused by the killing of females in the open sea."[1] (It will be shown later in discussing the method and catch of open-sea sealing vessels that a large percentage of the seals thus taken are females.)[2] Prof. W. H. Dall, the well known scientist and author, says: "It is evident that the injury to the herd from the killing of a single female, that is, the producer, is far greater than from the death of a male, as the seal is polygamous in habit; the destruction to the herd, therefore, is just in proportion to the destruction of female life. Killing in the open waters is peculiarly destructive to this animal."[3] Experts.

A large number of Indians along the Pacific coast from Oregon to the passes of the Aleutian Islands, whose depositions are appended hereto, are unanimous in declaring the cause of decrease in the seal herd to be open-sea sealing as it has been conducted for the past six or seven years. Evan Alexandroff, priest at Soldovoi in Cook's Inlet, unites with several native seal hunters of that locality in stating that "fur-seals were formerly much more plentiful, but of late years are becoming constantly scarcer. This is, we think, owing to the number of vessels engaged in hunt- Indian hunters.

[1] Vol. II, p. 212.
[2] *Post* p. 196.
[3] W. H. Dall, Vol. II, p. 24.

Indian hunters.

ing them at sea."[1] Nicoli Apokche, a native fur trader at Fort Alexander, Cook's Inlet, says: "Fur seals were formerly observed in this neighborhood in great numbers, but of late years they have been constantly diminishing, owing to the large numbers of sealing vessels engaged in killing them,"[2] and his affidavit is signed by several other natives of that region engaged in seal hunting. Peter Brown, the old chief of the Makah Indians, already quoted, says: "White hunters came here about five or six years ago and commenced shooting the seals with guns, since which time they have been rapidly decreasing and are becoming very wild."[3] Ellabash, another Indian of the same tribe, confirms this statement in the following words: "Seals are not so plentiful now as they were a few years ago. They began to decrease about five or six years ago. A good many years ago I used to capture seals in the Straits of Juan de Fuca. but of late years, since so many schooners and white men have come around here shooting with guns, that only a few come in here and we do not hunt in the Straits any more. I used to catch forty or fifty seals in one day, and now if I get

[1] Vol. II, p. 229.
[2] Vol. II, p. 224.
[3] Peter Brown, Vol. II, p. 378.

six or seven I would have great luck. I have to go a long distance to get seals now. Seals are wild and afraid of an Indian. They have become so since the white man and the trader began to shoot them with shotguns and rifles. In a short time there will be no seals left for the Indian to kill with the spear."[1] Watkins, also a a Makah Indian, who has hunted seals for forty years in a canoe off Cape Flattery, after mentioning the decrease in the seals, says: "So many schooners and white men are hunting them with guns all along the coast that they are getting all killed off."[2] Many other members of the same and other tribes also add their testimony that the cause of decrease in the migrating herd is due to pelagic sealing by white men.[3] Indian hunters.

Numerous pelagic sealers also, in spite of their interest being contrary to such a conclusion, admit, not only the decrease in the number of seals, but that such decrease has been caused by those engaged in their occupation. Frank Johnson, for ten years a seal hunter, on being asked the question to what he attributed the decrease, replied: "The increase of the fleet and killing of all the White sealers.

[1] Vol. II, p. 385.

[2] Vol. II, p. 395.

[3] Ishka, Vol. II, p. 388; Wispoo, Vol. II, p. 397; George La Cheek, Vol. II, p. 265; Jim Kasooh, Vol. II, p. 296; King Kaskwa, Vol. II, p. 295; Percy Kahiktday, Vol. II, p. 261.

White sealers.

females," adding that if continued the seal herd would soon be exterminated.[1] Alexander McLean, the well known sealing captain, accounts for the decrease as being the result of killing the female seals in the water, and there is no chance for the seals to increase because so many vessels are going into the sealing business.[2] Daniel McLean attributes the decrease to "killing off the females."[3] He is supported in this statement by H. Harmsen, a seal hunter of many years' experience;[4] Niles Nelson,[5] Adolphus Sayers,[6] and others engaged in the same occupation.[7] William Hermann, who has been a seal hunter for more than a decade, says: "I think they (the seals) are decreasing on account of their being hunted so much."[8] William McIsaac says: "I think there are so many boats and hunters out after them that they are being killed off; they are hunted too much."[9] William H. Long, a captain of a sealing vessel, takes the same view of the

[1] Vol. II, p. 441.
[2] Vol. II, p. 437.
[3] Vol. II, p. 444.
[4] Vol. II, pp. 442, 443.
[5] Vol. II, p. 470.
[6] Vol. II, p. 473.
[7] Peter Collins, Vol. II, p. 413; James Kiernan, Vol. II, p. 450; Gustave Isaacson, Vol. II, p. 440.
[8] Vol. II, p. 446.
[9] Vol. II, p. 461.

matter,[1] as also many other sealers do.[2] Others less intimately acquainted with the business of open-sea sealing, but from experience and knowledge of seal life qualified to judge as to the cause of decrease unite in casting the entire blame upon the pelagic sealing industry.[3] Agent Goff, in speaking of pelagic sealing, says: "If continued as it is to-day, even if killing on the islands was absolutely forbidden, the herd will in a few years be exterminated."[4] This unanimity of opinion, as expressed by every class and condition of witnesses, scientists, sealers, both Indian and white, those who have watched the seals upon the islands and those who have seen the animals during their migration up the coast, is further supported by the statistics of the sealing fleet, its catch and number, as compared with the years when no increase was observable on the islands and when decrease was noted. White sealers.

The period of so-called stagnation in the number of the seal herd has been shown to be from 1880 to 1884–'85.[5] According to the table of the sealing fleet, prepared from all available Increase of sealing fleet.

[1] Vol. II, p. 458.

[2] E. P. Porter, Vol. II, p. 347; James E. Lennan, Vol. II, p. 370; Michael White, Vol. II, pp. 490, 491; J. D. McDonald, Vol. II, pp. 266, 267.

[3] Joseph Murray, Vol. II, p. 74; H. H. McIntyre, Vol. II, p. 46; Charles J. Goff, Vol. II, p. 112; J. Stanley Brown, Vol. II, pp. 17, 18, 19, 20.

[4] Vol. II, p. 113.

[5] *Ante*, p. 165.

Increase of sealing fleet.

sources,[1] the vessels had increased from two in 1879 to sixteen in 1880; up to 1885 the number of vessels varied from eleven to sixteen annually. Besides this it will be shown, subsequently, that the hunters employed on these vessels during the period from 1880 to 1885 were principally Indians, and that their method of taking seals, though injurious, is not nearly as destructive of life as that employed by other hunters. In 1886, the year when the decrease in the seal herd was first noticed along the coast, the fleet increased from fifteen vessels to thirty-four, and over thirty-eight thousand skins were known to have been secured that year.[2] In 1887 there were forty-six vessels engaged in sealing, but a less number of skins were taken. In 1888, owing to the seizure of several schooners in Bering Sea by the United States Government, the fleet fell off to thirty-nine vessels, the catch being about thirty-seven thousand.[3] No seizures being made in 1888, the fleet increased again in 1889, numbering sixty-nine vessels, with a total catch of over forty thousand.[4] Vessels having been seized in 1889, the number again fell off in 1890 to sixty, but the catch increased to nearly

[1] Table of sealing fleet, Vol. I, p. 591.
[2] Report of American Bering Sea Commissioners, *post*, p. 366.
[3] Report of American Bering Sea Commissioners, *post*, p. 366.
[4] *Ibid.*, *post*, p. 366.

fifty thousand.[1] In 1890 the sealers were unmolested, and so in 1891 the number of vessels was nearly doubled, reaching the enormous figure of one hundred and fifteen,[2] but the catch, because of the ever-increasing scarcity of the seals, reached but sixty-two thousand five hundred.[2]* The agreement between Great Britain and the United States in relation to pelagic sealing in Bering Sea in 1892, and the orders to naval vessels pursuant thereto, have not been of such a nature as to invite investment in the sealing fleet, and yet, in spite of the restrictions imposed and dangers incurred, the fleet of sealing vessels for 1892 is known to contain at least one hundred and twenty-three,[3] which is below the actual number, as undoubtedly vessels have been engaged of which the United States Government has received no reports. The decrease in the seal herd has thus been proportionate to the increase of the sealing fleet.[4] Another significant fact in this connection is that, until the period of decrease began, the sealing vessels did not, as a

Increase of sealing fleet.

[1] Report of American Bering Sea Commissioners, *post*, p. 366.

[2] *Ibid.*, *post* p. 371.

[3] Table of sealing fleet, Vol. I, p. 591.

[4] J. C. Redpath, Vol. II, p. 141; Alexander C. Shyha, Vol. II, p. 226.

* It is probable that the various annual catches given are much too small, as it has been most difficult to obtain data and statistics in this respect.

Increase of sealing fleet.

rule, enter Bering Sea.[1] William Parker, for ten years engaged in the sealing business, says: "There was hardly ever a sealing schooner that went to Bering Sea during these years (1881–1884) or prior to 1885."[2] John Morris, a mate of a sealing vessel for several years, says: "Prior to this (1885) I had never been in the Bering Sea, and with but few exceptions sealing vessels did not visit those waters."[3] These two facts, then, are plainly shown, that when the sealing fleet consisted of a small number of vessels, carrying Indian hunters, and the sealing was confined to the Pacific coast, no decrease took place in the number of seals; but all increase ceased when the sealing fleet increased in numbers. The vessels being outfitted with white hunters, using firearms, and the hunting grounds extended so as to include Bering Sea, the decrease in the seal herd became marked and rapid, constantly becoming greater as the fleet of sealing vessels increased.

Comparison of sealing fleet and decrease.

[1] Andrew Laing, Vol. II, p. 335; Charles Peterson, Vol. II, p. 346.
[2] Vol. II, p. 344.
[3] Vol. II, p. 340.

PELAGIC SEALING.

HISTORY.

Sealing by Coast Indians.

Open-sea sealing, the sole cause of the enormous decrease noted in the Alaskan seal herd in the last few years, and which threatens its extermination in the near future, was carried on by the Pacific coast natives in their canoes for many years previous to the introduction of sealing schooners. The catch was small, ranging from three to eight thousand annually,[1] and there was little or no waste of life from the loss of seals killed and not secured, as will be seen when the means and manner of hunting employed by the Indians is considered.

Vessels used.

Even after vessels were employed in the industry, which, according to Mr. Morris Moss, vice-president of the Sealers' Association of Victoria, British Columbia, was about the year 1872,[2] the fleet was small, not numbering over half a dozen vessels.[2] Indians only were employed as hunters, and the seals were killed with spears.[2] With the introduction of schooners to carry the canoes out into the ocean, the sealing grounds were extended

[1] C. M. Scammon, Vol. II, p. 475.
[2] Morris Moss, Vol. II, p. 341.

Vessels used.

from the area covered by a canoe trip of twenty miles from a given point on the coast[1] to the waters frequented by the migrating herd from the Columbia River to Kadiak Island.[2] In 1883 the schooner *San Diego* entered Bering Sea and returned to Victoria with upwards of two thousand skins. This gave impetus to the trade, and new vessels embarked in the enterprise.[3]

Introduction of firearms.

About 1885 a new method of hunting was introduced, which has been the great cause of making pelagic seal hunting so destructive and wasteful of life—the use of firearms.[4] White men now became the principal hunters, and where previously the number of skilled and available sealers had necessarily been limited to a few hundred coast natives, the possibility of large rewards for their labors induced many whites to enter the service of those engaged in the business of seal destruction. From that time forward the sealing fleet rapidly increased in number,[5] until it now threatens the total extinction of the northern fur-seal.

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[1] Peter Brown, Vol. II, p. 377; Alfred Irving, Vol. II, p. 386; Wilson Parker, Vol. II, p. 392; Hish Yulla, Vol. II, p. 397.

[2] Peter Brown, Vol. II, p. 377.

[3] Morris Moss, Vol. II, p. 341.

[4] Charlie, Vol. II, p. 304; Moses, Vol. II, p. 309; Wispoo, Vol. II, p. 396.

[5] *Ante*, p. 183; Gustave Niebaum, Vol. II, p. 78.

METHOD.

Vessels, outfit, etc.

The vessel commonly used in sealing is a schooner ranging from twenty to one hundred and fifty tons burden; the average tonnage per vessel for the Victoria fleet in 1890 being 63.2 tons.[1] The number of hunters and canoes or boats carried by a sealer depends upon the size of the vessel, but the average number of canoes is between ten and sixteen, each manned by two Indians,[2] and when the hunters are whites the boats generally number five or six.[3] In some cases both Indians and whites are employed on the same vessel.[4] The average number of men to a vessel in 1890 was twenty-two.[1]

Indian hunters.

The Indian hunter almost invariably uses a spear, and though in the last two or three years firearms have been carried in the canoe,[5] the principal weapon used by him is still the spear.[6] A full description of the spear, canoe, and manner of hunting is given by Lieut. J. H. Quiman, who accompanied some of the Indians in their canoe during a hunting excursion.[7] The most

[1] Canadian Fisheries Report, 1890, page 183.

[2] Niels Bonde, Vol. II, p. 315-316; Moses, Vol. II, p. 310.

[3] Patrick Maroney, Vol. II, p. 464; J. Jamieson, Vol. II, p. 329-330; Niels Bonde, Vol. II, p. 316.

[4] James Dalgarduo, Vol. II, p. 364.

[5] Peter Brown, Vol. II, p. 377; Morris Moss, Vol. II, p. 341.

[6] Peter Brown, Vol. II, p. 377; Moses, Vol. II, p. 309.

[7] Report of Lieut. J. H. Quiman, Vol. I, p. 504. See also A. B. Alexander, Vol. II, p. 352.

Indian hunters.

expert spearsmen are the Makah Indians of Neah Bay, Washington.[1] The Indian, from his method of hunting, loses very few seals that he strikes, securing nearly all.[2]

White hunters.

The white hunter, on the contrary, loses a great many seals which he kills or wounds.[3] Each boat contains a hunter, a boat-steerer, and a boat-puller;[4] the hunter uses a rifle,[5] a shotgun,[6] or both,[7] the shotgun being loaded with buckshot.[8] A minute description of the methods employed by both white and Indian hunters is given by Capt. C. L. Hooper, commander of the United States revenue steamer *Corwin*, who was many years in the waters of the North Pacific and Bering Sea, and makes his statements from personal observation.[9]

RESULTS.

Waste of life.

There are two ways in which a seal may be destroyed by this method of hunting without

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[1] A. B. Alexander, Vol. II, p. 352.

[2] Thomas Zolnoks, Vol. II, p. 399; Osly, Vol. II, p. 391; Watkins. Vol. II, p. 395.

[3] James Kiernan, Vol. II, p. 450; James Kennedy, Vol. II, p. 449,

[4] Thomas Lyons, Vol. II, p. 460; James Moloy, Vol. II, p. 463; James Kennedy, Vol. II, p. 449.

[5] James Kennedy, Vol. II, p. 449; Eddie Morehead, Vol. II, p. 467; George Zammitt, Vol. II, p. 507.

[6] L. G. Shepard, Vol. II, p. 188; Adolphus Sayers, Vol. II, p. 473.

[7] Patrick Maroney, Vol. II, p. 464; Peter Collins, Vol. II, p. 413.

[8] Charles Lutjens, Vol. II, p. 459.

[9] Report of Capt. C. L. Hooper to the Treasury Department, dated June 14, 1892; Vol. I, p. 498. See also as to white hunters, William Brennan, Vol. II, p. 360, 361.

being secured; one is by wounding it so that, Waste of life.
though it still retains vitality enough to escape from the hunter, it subsequently dies of its injuries; the other is by the sinking of the seal, killed outright, before the boat can be brought alongside and the carcass seized by the hunter.

Of the first of these means of loss Dr. Allen Wounding.
says: "Those only wounded, whether fatally or otherwise, dive and escape capture. The less severely wounded may, and in many cases doubtless do, recover from their wounds, but in the nature of things many others must die of their injuries. There is a wide range of chances between an instantaneously fatal or disabling shot and a slight wound from which the victim may readily recover, with obviously a large proportion of them on the fatal side of the dividing line."[1] This is self-evident when the fact is taken into consideration that the boat is in almost constant motion, and the mark is the small head of a seal among the waves thirty, forty, fifty,[2] or, when a rifle is used, even a hundred yards[3] from the hunter. Four other conditions also modify this possibility of loss; first, the state of the weather, for if the water is rough the boat and

[1] Article by Dr. Allen, Part III, Vol. I, p. 409.
[2] T. T. Williams, Vol. II, p. 494.
[3] T. T. Williams, Vol. II, p. 503.

Wounding.

the seal having more motion the percentage of those killed or stunned by the shot is much less than when the sea is smooth;[1] second, the condition of the seal shot at, for if breeching, the shot being at the body is not as liable to paralyze the animal, though it may be as fatal as when the seal is asleep on the water with only a portion of its head exposed as a mark;[2] third, the skill of the hunter is also to be considered;[3] and fourth, whether or not the seals are wild and hard to approach, in which case the hunter is from necessity compelled to fire at long range. The Indian hunters, with their spears, who are forced to approach much nearer the game than a white hunter armed with rifle or shotgun, speak particularly of the increased timidity of the seals since firearms have been used in taking them.[4] They also state that many seals taken by them have shot imbedded in their bodies,[5] and some are badly wounded.[6] This, besides being evidence of the great number wounded and lost, naturally tends to making the seals fearful of the approach of man. Not only has the increase in the num-

[1] John H. Dalton, Vol. II, p. 418; James Kiernan, Vol. II, p. 450; William McIsaac, Vol. II, p. 461.

[2] T. T. Williams, Vol. II, p. 494, 504; Niles Nelson, Vol. II, p. 469.

[3] Daniel Claussen, Vol. II, p. 412; Luther T. Franklin, Vol. II, p. 425; James Kiernan, Vol. II, p. 450; James Kean, Vol. II, p. 448.

[4] James Lighthouse, Vol. II, p. 389; Watkins, Vol. II, p. 395.

[5] Wispoo, Vol. II, p. 397; James Lighthouse, Vol. II, p. 390.

[6] James Lighthouse, Vol. II, p. 390.

ber of white hunters in the last few years made the seals much wilder than before firearms were used, but it has also added largely to the number of inexperienced hunters engaged in sealing. It is only necessary, in order to show how much the unskillful outnumber the skillful hunters, to refer to the agreement entered into by the members of the Sealers' Association of Victoria, British Columbia, for the season of 1891; the portion of the agreement referring to this matter is as follows: "We also bind ourselves not to take more than three experienced hunters in the sealing business on each vessel represented by us, said hunters to be engaged at the scale or lay adopted by this Association, as hereinbefore particularly described; and we also agree that all hunters required in excess of the three hunters above mentioned for each vessel shall be new men at the business of seal hunting, and shall be engaged at the same scale or lay hereinbefore mentioned, and this clause shall apply to all vessels owned or controlled by the members of this Association, whether clearing from the port of Victoria or other ports in Canada or the United States, or any port where any vessel owned or controlled by any member of this Association may be fitting out for sealing on this coast."[1] Wounding.

[1] See British Blue Book, U. S. No. 1 (1891), C-6253, p. 82.

Wounding.

The number of hunters thus allowed to a vessel is therefore about one-half the number of those actually taken on a vessel employing white hunters.

Sinking.

Besides those lost by wounding, in many cases, others killed outright are not taken, because the specific gravity of the seal being greater than water[1] it sinks before it can be secured.[2] In order to save as many of the sinking seals as is possible, each boat carries a gaff,[3] with a handle from four to six feet long, with which to grapple the carcass, if the point where it sank can be reached in time to do so.[4] Of course in securing a sinking seal much depends on the distance from which the seal was shot, the condition of the water, whether rough or smooth, and whether or not darkened by the blood of the animal,[5] as also the skill of the hunter in marking with his eye the place where the seal sank. It can, therefore, be seen that the range of possible and probable loss in case the seal is killed outright is certainly large, though not so great as when the seal is wounded.

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[1] Article by Dr. Allen, Part III, Vol. I, p. 409.

[2] Thomas Brown (No. 1), Vol. II, p. 319; Bernhardt Bleidner, Vol. II, p. 315; John W. Smith, Vol. II, p. 233; John Woodruff, Vol. II, p. 506.

[3] T. T. Williams, Vol. II, p. 504; L. G. Shepard, Vol. II, p. 188.

[4] T. T. Williams, Vol. II, p. 504; Henry Mason, Vol. II, p. 465; James Laflin, Vol. II, p. 451.

[5] Henry Brown, Vol. II, p. 318.

Under the circumstances, it is most difficult to fix the actual number of seals destroyed and not secured by hunters using fire arms; but it is a conservative estimate to say that such hunters lose at least two out of every three seals shot by them. Charles Chalall, a seal hunter, says: "The average hunter would get one out of every three seals shot; a poor hunter not nearly so many."[1] Thomas Gibson, a seal hunter, or engaged in the sealing business, since 1881, says: "An ordinary hunter would not get more than one out of every three or four that he killed."[2] Daniel McLean states "that about one-third are taken;"[3] and Capt. Martin Benson, of the sealing schooner *James G. Swan*, says about sixty-six per cent. are lost.[4] These men are all hunters of long experience, and their statements are not only supported by many others,[5] but numerous witnesses give the number lost at a much larger figure. E. W. Soron, mate of a sealing vessel in 1888, says: "We only got about one out of every five killed."[6] Thomas Brown (No. 1), a boat-puller for three years,

Percentage lost of those killed.

[1] Vol. II, p. 411.
[2] Vol. II, p. 432.
[3] Vol. II, p. 443.
[4] Vol. II, p. 405.
[5] Thomas Lyons, Vol. II, p. 460; Bernhardt Bleidner, Vol. II, p. 315; M. L. Washburne, Vol. II, p. 489; Martin Hannon, Vol. II, p. 445.
[6] Vol. II, p. 479.

Percentage lost of those killed.

states: "I don't think we got more than one seal out of six that we killed."[1] Caleb Lindahl, a seal hunter, says: "On an average a hunter gets one seal out of four. I have known of poor hunters loosing nine out of ten."[2] Henry Mason, also a seal hunter, says: "I do not think they would get more than one seal out of every six or seven they shot, and sometimes only one out of ten."[3] To these statements are added many others by competent and experienced witnesses, which may be found in the Appendix hereto annexed.[4] When the estimate, therefore, is placed at sixty-six seals unsecured out of every hundred killed with fire arms, the probability is that the percentage lost is even more Certainly this percentage is constantly increasing, for the rapid growth of the sealing fleet in the last two years has increased the number of unskillful hunters, and the constant hunting of the herd has made the seals wilder each year than the year before.[5]

Destruction of female seals.

Besides the great waste of life caused by the present method of sealing, another feature of pelagic hunting adds greatly to its destructive effect upon the Alaskan seal herd, namely, the

[1] (No. 1), Vol. II, p. 319.
[2] Vol. II, p. 456.
[3] Vol. II, p. 465.
[4] William Parker, Vol. II, p. 344: Olaf T. Kvam, Vol. II, p. 236; William McIsaac, Vol. II, p. 461; George Usher, Vol. II, p. 291.
[5] Thomas Brown (No. 1), Vol. II, p. 319.

fact that from eighty to ninety per cent of the seals killed in the open sea are females, the majority of which are either pregnant, or having been delivered of their pups, are the sole means of sustenance for their offspring. The sex of a seal can not be told when it is in the water, except an old bull seal, who can be recognized by his size.[1] Under these circumstances it is impossible to discriminate as to sex,[2] and no effort is made to do so, the hunters shooting or spearing every seal that approaches the boat.[3] On this point there is a large array of testimony to be found in the Appendix. Rear-Admiral Sir M. Culme-Seymour, in a communication to the British Admiralty, says, in relation to this matter: "I may mention that female seals can not be distinguished from males when killed asleep on the water at sea."[4] As has already been shown, the destruction of the females of the herd is the principal cause of the decrease,[5] and the full extent of the pernicious effects of pelagic sealing is clearly shown on examination of the sex of the seals taken by the sealing vessels.

Destruction of female seals.

[1] J. A. Bradley, Vol. II, p. 227; Chickinoff et al., Vol. II, p. 219; F. F. Feeney, Vol. II, p. 220.

[2] E. W. Soron, Vol. II, p. 479; Charles Peterson, Vol. II, p. 345.

[3] Gregaroff, et al., Vol. II, p. 231; N. Hodgson, Vol. II, p. 367; E. Morehead, Vol. II, p. 467.

[4] Inclosure 3 in No. 3, British Blue Book, U. S. No. 2 (1890), C-6131, p. 4.

[5] *Ante*, p. 177.

Testimony of British furriers.

The first witnesses to receive consideration on this point are those who have handled and sorted the "Northwest" or pelagic catch. The skins of males and females can be readily distinguished from each other by those at all experienced in the fur trade.[1]

Sir George Curtis Lampson, head of the firm of C. M. Lampson & Co., one of the oldest and largest of the London fur houses, states that "the skins of the Northwest catch are largely the skins of female seals."[2] Mr. H. S. Bevington, head of the London firm of Bevington & Morris, fur dealers, which was organized in 1726, says: "The skins of the Northwest catch are at least eighty per cent of them the skins of the female animal," and that prior to and in preparation of his deposition "he carefully looked through two large lots of skins now in his Warehouse for the especial purpose of estimating the percentage of female skins found among the Northwest catch."[3] Mr. Walter Edward Martin, head of the English firm of C. W. Martin & Sons, the largest dressing and dyeing house of fur-seal skins in London, and successors of Martin & Teichmann, gives the percentage of females in the pelagic catch at

[1] George Liebes, Vol. II, p. 511; B. H. Sternfels, Vol. II, p. 522.
[2] Vol. II, p. 565.
[3] Vol. II, p. 552.

seventy-five to eighty per cent.[1] Mr. Emil Teichmann, of the firm of C. M. Lampson & Co., and formerly a member of the firm of Martin & Teichmann, mentioned above, states "that practically the whole of the adult, Northwest catch, seals were the skins of female seals."[2] Mr. Henry Poland, head of the London fur firm of P. R. Poland & Son, says that a very large proportion of the adult skins of the Northwest catch are "obviously the skins of female animals."[3] Mr. George Rice, engaged for twenty-seven years in the dressing and dyeing of seal skins in the city of London, and who has handled a large proportion of the Northwest skins, says: "That in the Northwest catch from eighty-five to ninety per cent of the skins are of the female animal."[4] And Mr. William C. B. Stamp, who has been a London fur merchant for thirty years, estimates the percentage of females in the catch of sealing vessels to be "at least seventy-five per cent" and probably more.[5] All the above prominent English furriers are subjects of Her Britannic Majesty. George Bantle, who has been a sorter and packer of raw seal skins for twenty years, gives the principal characteristics by which the skins of the two

Testimony of British furriers.

[1] Vol. II, p. 569.
[2] Vol. II, p. 581.
[3] Vol. II, p. 571.
[4] Vol. II, p. 573. See also Isaac Liebes, Vol. II, p. 453.
[5] Vol. II, p. 575.

Testimony of British furriers.

sexes can be determined,[1] as do also Mr. John J. Phelan[2] and Mr. William Wiepert,[3] both experienced furriers. Mr. Alfred Fraser, a subject of Her Britannic Majesty, and a member of the London firm of C. M. Lampson & Co., says: "That he would have no difficulty whatever in separating the skins of the 'Northwest' catch from the skins of the 'Alaska' catch by reason of the fact that they are the skins almost exclusively of females." This fact that the Northwest skins are so largely the skins of females is further evidenced by the fact that in many of the early sales of such skins they are classified in deponent's books as the skins of "females."[4]

Other British testimony.

Sir George Baden-Powell, one of the British Bering Sea Commissioners, addressed a letter to the London Times, which appeared in that paper November 30, 1889, in which he says: "Their (the Canadian sealers') catch is made far out at sea, and is almost entirely composed of females." On the 29th day of April, 1891, Mr. C. Hawkins, a subject of Her Britannic Majesty, addressed a letter to the Marquis of Salisbury, in which he states that "since about the year 1885 we have received in this country (England) large numbers of seal skins known in the trade

[1] Vol. II, p. 508.
[2] Vol. II, p. 519.
[3] Vol. II, p. 535.
[4] Vol. II, p. 558.

as Northwest skins, the same having been taken in the open sea, and, from appearances that are unmistakable to the initiated, are exclusively the skins of female seals pregnant."[1] Other British testimony.

And the Canadian Minister of Marine and Fisheries, to whom the letter was referred, states "that the testimony produced by Mr. Hawkins in this connection is quite in accord with the information hitherto obtained."[2] In the Canadian Fisheries Report of 1886 the following statement appears: "There were killed this year so far from forty to fifty thousand fur-seals, which have been taken by schooners from San Francisco and Victoria. The greatest number were killed in Bering Sea, and were nearly all cows or female seals."[3] And again in the said report for 1888 appears the statement that the fact can not be denied "that over sixty per cent of the entire catch of Bering Sea is made up of female seals."[4] Rear-Admiral Hotham, Royal Navy, in a dispatch to the British Admiralty, dated September 10, 1890, states that he personally saw Capt. C. Cox, of the schooner *Sapphire*, Captain Petit, of the schooner *Mary Taylor*, Captain Hackett, of the schooner *Annie Seymour*, Canadian testimony.

[1] British Blue Book, U. S. No. 3 (1892), C-6635, p. 5.
[2] British Blue Book, U. S. No. 3 (1892), C 6635, p. 75.
[3] Page 267.
[4] Report of the Department of Fisheries, Dominion of Canada (1888), p. 240

Canadian testimony.

and Capt. W. Cox, of the schooner *Triumph*, and that "they also mentioned (among other things) that two-thirds of their catch consisted of female seals, but that after the 1st July very few indeed were captured 'in pup.'"[1]

Testimony of American furriers.

Herman Liebes for thirty-five years engaged in the seal-skin industry, and the largest purchaser of the skins brought into Victoria, British Columbia, by sealing vessels,[2] says that he "has frequently requested the captains of poaching vessels sailing from the port of Victoria and other ports, to obtain the skins of male seals, and stated that he would give twice as much money, or even more, for such skins than he would pay for the skins of female seals. Each and all of the captains so approached laughed at the idea of catching male seals in the open sea, and said that it was impossible to do it, and that they could not catch male seals unless they could get upon the islands, which, except once in a long while, they were unable to do in consequence of the restrictions imposed by the United States Government; because, they said, the males were more active, and could outswim any boat which their several vessels had, and that it was only the female seals who were heavy with young which could be caught."[3]

[1] British Blue Book, U. S. No. 1 (1891), C-6253, p. 17.

[2] Vol. II, p. 513; British Blue Book, U. S. No. 1 (1891), C-6253, p. 80; Vol. II, p. 564.

[3] Vol. II, p. 512.

Examination of pelagic catch of 1892.

Besides the testimony of the witnesses above stated, 3,550 seal skins were shipped this year from Victoria, British Columbia, to Treadwell & Co., of Albany, New York, being a portion of the "spring catch," so called, of 1892, taken by the sealing fleet along the Pacific coast. At the request and under the direction of the Government of the United States, these skins were examined by an expert in handling seal skins, Mr. John J. Phelan, for twenty-four years engaged in the fur business, for the purpose of determining the sex of the seals from which they were taken. Such examinations resulted in showing that of the 3,550 skins, 2,167 were taken from female seals, 395 from male seals, and the remainder, 988, from pups, seals under two years of age,[1] whose sex could not easily be determined, which shows that the proportion of females in the catch of a sealing vessel is to the males as 11 to 2, or 84½ per cent. The examiner of these skins also shows how the difference in the sex can be readily determined.[1] Mr. Charles Behlow, for thirty-four years engaged in the handling and sorting of seal skins, at the request of the Government of the United States, examined, in June, 1892, four lots

[1] Vol. II, p. 520.

Examination of pelagic catch of 1892.

of skins landed at San Francisco from sealing vessels, being the "spring catch" for 1892 of said vessels. These lots aggregated 813 skins, which on examination proved to consist of 681 skins of adult female seals, 49 skins of adult male seals, and 95 skins of pup seals less than one year old.[1] The proportion of cows in these lots is shown to be to the males as about 14 to 1, or 93 per cent. The increased proportion of females in this examination over the examination made in New York is explainable from the fact that the New York examiner did not extend his examination to seals under two years of age, while the San Francisco examiner classed as pups only the seals less than one year old On the 13th of July, 1892, the same expert examined the catch of the schooner *Emma and Louise*, consisting of 1,342 skins, taken this spring along the Northwest coast. Of the number, 1,112 were the skins of females, 132 of males, and 98 of gray pups less than one year old.[1] The proportion of female seals taken by this vessel as compared with the males is thus shown to be 89 per cent. George Liebes, a furrier, who has handled many thousands of the Northwest skins, in connection with his deposition attaches

[1] Vol. II, p. 402.

exhibits showing plainly how, even in the dressed and dyed skins, the sex of the animal can be readily determined,[1] and also, in the cases of the female, whether the animal was in a state of virginity, pregnancy, or maternity, the comparative size of the nipples being the test, which in the case of the two skins of males (bachelor and bull) are scarcely observable.

Examination of pelagic catch of 1892.

Added to this testimony of experienced furriers, a large number of those engaged in seal hunting, whose depositions are appended hereto, affirm that the seals taken by them are principally females. Luther T. Franklin, a seal hunter of three years' experience, states that about ninety or ninety-five per cent of those secured are females.[2] Daniel McLean, an experienced sealer, says that about ten in a hundred of the seals taken are males.[3] Alexander McLean, on being asked the percentage of females in a catch, replied: "Say I would bring two thousand seals in here, I may have probably about a hundred males; that is a large average."[4] Charles Lutjens, also a seal hunter, places the average of females taken at ninety per cent,[5] and in this he

Testimony of pelagic sealers.

[1] Vol. II, p. 512.
[2] Vol. II, p. 425.
[3] Daniel McLean, Vol. II, p. 441.
[4] Vol. II, p. 437.
[5] Charles Lutjens, Vol. II, p. 458.

Testimony of pelagic sealers.

is supported by many others of the same profession.[1] Other sealers, without fixing a percentage, state that the seals taken are "principally"[2] or "most all"[3] females.

Examination of catch of vessels seized.

The skins also upon vessels seized by United States officers in Bering Sea, which were subsequently examined, also show a similar ratio of destruction of female life. Captain Shepard says that over twelve thousand skins taken from sealing vessels seized in 1887 and 1889 were examined, and at least two-thirds or three-fourths were the skins of females.[4] Mr. A. P. Loud, assistant Treasury agent, who in 1887 captured the sealing schooner *Angel Dolly*, personally examined the skins found on board, and he states that "about eighty per cent were the skins of females."[5] Capt. A. W. Lavender, assistant Treasury agent on St. George Island, in September, 1891, made a personal examination of one hundred and seventy-two skins, the catch of the schooner *Challenge* in Bering Sea, and of the whole number only three were the skins of male seals.[6] It is only necessary to examine such an

[1] William Short, Vol. II, p. 348; F. Johnson, Vol. II, p. 441; H. Harmsen, Vol. II, p. 442; A. J. Hoffman, Vol. II, p. 446.

[2] William H. Long, Vol. II, p. 457; James Kean, Vol. II, p. 448; James Kennedy, Vol. II, p. 449.

[3] George Zammitt, Vol. II, p. 507; Adolph Sayers, Vol. II, p. 473; Thomas Brown (No. 1), Vol. II, p. 319.

[4] Vol. II, p. 189.

[5] Vol. II, p. 39.

[6] Vol. II, p. 265.

array of testimony as the foregoing to determine the cause of the rapid decrease in the Alaskan seal herd. Examination of catch of vessels seized.

But in addition to this great slaughter of the producing sex, another waste of life is caused, as already stated, through the pregnancy or maternity of a large proportion of these female seals. As long ago as 1869 Capt. C. M. Scammon, of the United States Revenue Service, and author of "The Marine Animals of the Northwestern Coast of North America" (published in 1874), observed that nearly all the seals taken by the Indians near Vancouver Island were pregnant females, and August 30, 1869, he addressed a letter on the subject of the double slaughter resulting to the Secretary of the Treasury.[1] Bowachup, a Makah Indian hunter, says: "I never killed any full-grown cows on the coast that did not have pups in them."[2] Daniel McLean says: "The females are mostly all with pup."[3] P. S. Weittenhiller, owner of the sealing schooner *Clara*, states that of sixty seals taken this season (1892) forty-six were pregnant females.[4] James Kiernan, a sealer, states that Destruction of pregnant females.

[1] Vol. II, p. 474.
[2] Vol. II, p. 376.
[3] Vol. II, p. 444.
[4] Vol. II, p. 274.

Destruction of pregnant females.

the seals killed in the North Pacific are mostly females carrying their young.[1] James Jamieson, a sealer of five years' experience, makes the same statement.[2] Frank Morreau, with five or six years' experience as a seal hunter, says that about seventy-five per cent of the cows taken are "in pup,"[3] and many others make similar statements.[4]

Reason pregnant females are taken.

One reason why such a large proportion of pregnant female seals are taken along the coast is clearly stated by Andrew Laing in his examination before Collector Milne, of the port of Victoria, British Columbia, the deponent being recognized by the collector as one of the most experienced seal hunters. On being questioned as to whether he noticed "any marked difference in the manner the females carrying their young travel as compared with the males," he replied: "The only difference I could see is that they will travel very fast for a little distance, and then turn up and rest." And again being asked whether he thought the pregnant female more shy than the male, he answered, "No, I think

[1] Vol. II, p. 450.

[2] Vol. II, p. 329.

[3] Vol. II, p. 468.

[4] William Short, Vol. II, p. 348; Ellabash, Vol. II, p. 385; Peter Simes, Vol. II, p. 476; Thomas Brown (No. 1), Vol. II, p. 319; Thomas Lyons, Vol. II, p. 460; John A. Swain, Vol. II, p. 350; James Nuatajim, Vol. II, p. 272; Rondtus, Vol. II, p. 242; Amos Mill, Vol. II, p. 285; Simeon Chin-koo-tin, Vol. II, p. 256; Henry Brown, Vol II, p. 317.

they are not more shy. The female is always inclined to be sleepy. The male is always on the watch."[1] Capt. J. D. McDonald, owner and commander of the sealing schooner *Adventure*, who hunts from San Francisco to Kadiak, says: "Most of the seals taken by me have been females with pup;" giving as a reason that the female seals are easier to kill than the males.[2] It is evident, therefore, that the female seal, when pregnant, is much more exposed to danger than the male,[3] and this fact is also noted by the Indian hunters along the coast.[4]

Reason pregnant females are taken.

After the 1st of July the cows are nearly all at the rookeries, and having given birth to their young they go into the water in search of food, in order that they may be able to supply their offspring with nourishment.[5] And as has been shown, they often go from one hundred to two hundred miles from the islands on these excursions.[6] It is while absent from the rookeries feeding that they fall a prey to the pelagic seal hunter.[7] Rear-Admiral Sir M. Culme-Seymour,

Destruction of nursing females.

[1] British Blue Book, U. S. No. 3 (1892), C-6635, p. 181. See also James Sloan, Vol. II, p. 477; Isaac Liebes, Vol. II, p. 451.

[2] Vol. II, p. 266.

[3] British Blue Book, U. S. No. 3, 1892, C-6635, p. 181.

[4] Charlie Wank, Vol. II, p. 273; James Unatajim, Vol. II, p. 272; Simeon Chin-koo-tin, Vol. II, p. 256.

[5] *Ante*, p. 115.

[6] *Ante*, p. 116.

[7] Charles Chalall, Vol. II, p. 111; Peter Brown, Vol. II, p. 377-378; John Fyfe, Vol. II, p. 429; Henry Brown, Vol. II, p. 317-318.

Destruction of nursing females.

in a dispatch to the British Admiralty, dated at Victoria, August 24, 1886, states that three British Columbian sealing schooners had been seized by the United States revenue cruiser *Corwin*, seaward seventy miles from off the land, killing female seals.[1] Edward Shields, of Sooke District, Vancouver Island, a hunter on the British schooner *Carolina*, which was seized in Bering Sea in 1886, states that they were during the whole cruise out of sight of land, adding, "The seals we obtained were chiefly females."[2] The sealers, who have given testimony on this point in behalf of the United States, agree that nearly all the seals taken in Bering Sea are mothers in milk.[3] Moses, a Nitnat Indian hunter from Vancouver Island, in speaking of a voyage he made to Bering Sea, says: "We caught nineteen hundred seals, all of which were captured in the sea close to Unalaska; most all of them were cows in milk; but when we first entered the sea we killed a few cows that had pups in them."[4] Charles Peterson, a sealer with four years' experience, after stating that most all the seals taken in Bering Sea were cows in milk, adds: "I have seen the deck almost flooded

[1] British Blue Book, U. S. No. 2 (1890), C–6131, p. 1.

[2] British Blue Book, U. S. No. 2 (1890), C–6131, p. 8.

[3] William H. Long, Vol. II, p. 458; Henry Mason, Vol. II, p. 465; E. P. Porter, Vol. II, p. 347.

[4] Moses, Vol. II, p. 310.

with milk while we were skinning the seals.[1]" Richard Dolan, a seal hunter who was in Bering Sea in 1885, says: "I saw the milk flowing on the deck when we skinned them."[2] Capt. L. G. Shepard, of the United States Revenue Marine Service, who seized several vessels in Bering Sea in 1887 while they were engaged in sealing, states that he saw milk flowing from the dead carcasses of seals lying on the decks of vessels a hundred or more miles from the Pribilof Islands.[3] Mr. Robert H. McManus, a British subject and resident of Victoria, British Columbia, made a sealing voyage in 1891 in Bering Sea on the Canadian schooner *Otto* as a newspaper correspondent. During the voyage he kept a journal of events, which he has embodied in his deposition, hereto appended, which contains his views of the matters which took place.[4] In an entry made August 29, he states the total catch of the day was seventeen seals, "greater proportion cows in milk; horrid sight, could not stay the ordeal out till all were flayed."[4] He subsequently adds: "It may be safely asserted that over three-fourths of the catch of forty-eight were cows in milk;

Destruction of nursing females.

[1] Vol. II, p. 345.
[2] Vol. II, p. 419.
[3] Vol. II, p. 189.
[4] Vol. II, p. 337.

Destruction of nursing females.

this at a distance of two hundred miles from the rookeries."[1] And Mr. Francis R. King-Hall, son of Sir William King-Hall, K. C. B., Admiral in the British Navy, who also was on the *Otto* during this voyage, makes substantially the same statements.[2] That a pup is entirely dependent upon its mother for the first three or four months of its life, and also that a female will not suckle any pup save her own, has already been stated.

Dead pups on the rookeries.

As a result it is evident that if the mother is killed her pup will die of starvation; and of this fact the evidence presented is unquestionable. When sealing vessels began to enter Bering Sea in pursuit of the seal herd (1884–'85) at that same period dead pup seals on the rookeries first drew the attention of the residents of the Pribilof Islands.[3]

No dead pups prior to 1884.

Professor Dall, who visited the rookeries in 1880, says: "There were not in 1880 sufficient dead pups scattered over the rookeries to attract attention, or form a feature on the rookery."[4] Captain Bryant, who was on the islands from 1870 to 1877, says, "A dead pup was rarely seen."[5] Mr. J. H. Moulton, who was

[1] Vol. II, p. 338.
[2] Vol, II, p. 333.
[3] Nicoli Krukoff, Vol. II, p. 132.
[4] Vol. II, p. 23.
[5] Vol. II, p. 8.

on St. George Island from 1877 to 1881, says: "There were practically no dead pups on the rookeries. I do not think I saw during any one season more than a dozen."[1] Mr. H. G. Otis, Treasury agent on the islands from 1879 to 1881, states that "it was a rare thing to find a dead pup."[2] Mr. H. A. Glidden, the Government agent from 1882 to 1885, says: "During the time I was on the islands I only saw a very few dead pups on the rookeries, but the number in 1884 was slightly more than in former years."[3]

No dead pups prior to 1884.

From this time (1884) forward dead pups on the rookeries increased in numbers annually. Mr. T. F. Morgan says: "From the year 1884 down to the present period when I left St. George Island, there was a marked increase in the number of dead pup seals."[4] Mr. A. P. Loud, assistant Treasury agent on the islands from 1885 to 1889, says that he can not make a statement as to the number of dead pups on the rookeries in 1885, as he was not present that fall; but in 1886 he saw a large number of dead pups lying about, and that these pups were very much emaciated,

Time of appearance of dead pups.

[1] Vol. II, p. 71.
[2] Vol. II, p. 87.
[3] Vol. II, p. 110. See also John Armstrong, Vol. II, p. 2.
[4] Vol. II, p. 64.

Time of appearance of dead pups.

and had evidently been starved to death. He further states that the number of dead pups in 1887 was much larger than in 1886. In 1888 there was a less number than in 1887 or in 1889, owing, he believes, to a decrease of seals killed in Bering Sea that year; but that in 1889 the increase again showed itself.[1] Dr. W. S. Hereford, already mentioned as the resident physician on the islands from 1880 to 1891, says: "The loss of pup seals on the rookeries up to about 1884 or 1885 was comparatively slight, and was generally attributed to the death of the mother seal from natural causes. Coincident with the increase of hunting seals in the sea, there was an increase in the death rate of pup seals on the rookeries."[2]

Number of dead pups in 1891.

Mr. Stanley Brown, in examining the rookeries in 1891, fixed the number of dead pups at between fifteen and thirty thousand.[3] Captain Coulson, who was on the islands the same year, says: "Thousands of dead and dying pups were scattered over the rookeries."[4] And Colonel Murray fixes the number of dead that year at "not less than thirty thousand."[5] Other witnesses support

[1] Vol. II, p. 39.
[2] Vol. II, p. 32.
[3] Vol. II, p. 19.
[4] Vol. II, p. 415.
[5] Vol. II, p. 74.

these statements.[1] The rookeries, strewn with dead and dying pups, were also in 1891 inspected by the British Bering Sea Commissioners.[2] And Kerrick Artomanoff, the old chief of the St. Paul natives, in speaking of their appearance on the rookeries during the last six years, says: "In my sixty-seven years' residence on the island, I never before saw anything like it."[3]

Number of dead pups in 1891.

At the request of Mr. Stanley Brown,[4] Dr. J. C. S. Akerly, then physician on St. Paul Island, examined a large number of the dead bodies, and after a careful and minute examination, which is fully detailed by him in his deposition,[5] gives it as his opinion "that the great mortality during 1891 amongst the young seals on St. Paul Island, Bering Sea, was caused by the deprivation of mothers' milk." He sums up this opinion with eight reasons why he believes the young seals died of starvation.[6] His opinion as to the cause of their death is shared by many others who had an opportunity to examine the dead and dying pups on the rookeries.[7] The natives on the islands,

Cause of death of pups.

[1] Anton Melovedoff, Vol. II, p. 113; H. H. McIntyre, Vol. II, p. 51; Charles W. Price, Vol. II, p. 521; Aggie Kushin, Vol. II, p. 128; John Fratis, Vol. II, p. 108; H. N. Clark, Vol. II, p. 159.

[2] Milton Barnes, Vol. II, p. 101.

[3] Vol. II, p. 100.

[4] Vol. II, p. 19.

[5] Vol. II, p. 95.

[6] Vol. II, p. 96.

[7] W. H. Williams, Vol. II, p. 94; J. Stanley Brown, Vol. II, p. 19; Charles W. Price, Vol. II p. 521; Aggie Kushin, Vol. II, p. 130; John Fratis, Vol. II, p. 109.

Cause of death of pups.

who have lived there for many years, testify that although they have eaten seal meat all their lives they never knew of a sick seal and never heard from the old residents of sickness among seals.[1] This great mortality, therefore, was not caused by an epidemic among the animals, for no dead adult seals were seen.[2]

Effects of pelagic sealing.

The injurious and destructive effects of open-sea sealing, as demonstrated above, can be summed up as follows: Between eighty and ninety per cent of the seals taken are females; of these at least seventy-five per cent are either pregnant or nursing; that the destruction of these females causes the death of the unborn pup seals or those on the rookeries dependent on their mothers for nourishment; and, finally, that at least sixty-six per cent of the seals killed by white hunters are never secured. Besides this, the females taken in Bering Sea have certainly in the majority of cases been impregnated,[3] and their death means not only the destruction of the pups on the island, but also of the fetus. Hence, if 10,000 females are killed in one season, this fact means not only the depletion of the herd by at least 17,500 that

[1] Anton Melovedoff, Vol. II, p. 143. See also Daniel Webster, Vol. II, p. 183; Edward Hughes, Vol. II, p. 37.

[2] Aggie Kushin, Vol. II, p. 128; Nicoli Krukoff, Vol. II, p. 133; Karp Buterin, Vol. II, p. 103; John Fratis, Vol. II, p. 107.

[3] *Ante*, p. 115.

year, but also the reduction of the annual birth-rate by 7,500 each following year for probably fifteen years, besides the added loss of the young born to the female portion of the pups destroyed, which would be an ever-increasing quantity. But disregarding these last two important points, the enormous destruction of seal life can be readily seen if we take the figures supplied by the Canadian Fisheries Report for 1890.[1] In that year there were sold in Victoria alone about 55,000 skins taken by pelagic sealers; allowing that 20,000 of these were secured by Indian hunters and only 35,000 by white hunters, the number of seals actually killed would be at least 125,000; of these 80 per cent, or 100,000, would be females and 75 per cent pregnant or mothers, allowing one-half of these 75,000 pups thus destroyed by the death of the females to be of that sex, the total number of the producing sex killed would be 137,500, and the total loss to the herd of 200,000 seals, for which the sealers show but 55,000 skins. It must be remembered that 55,000 represented only the number of skins sold in Victoria, which is undoubtedly 10,000 short of the actual number secured by both the British and American sealing fleet. Each year also adds to the destructiveness of the fleet, for

Effects of pelagic sealing.

[1] Page 183.

Effects of pelagic sealing.

the captains in command becoming more and more familiar with the habits, track, and feeding grounds of the migrating herd, are able to reach the various points off the coast at the time when the main body are at these localities, and harass them incessantly on their way from the Farallones to Bering Sea.[1] The effect of pelagic sealing is briefly and truly summarized by Karp Buterin, the native chief of St. Paul Island, in these words: "Schooners kill cows, pups die, and seals are gone."[2]

With such wasteful destruction the Alaskan seal herd must either be soon exterminated, or else a sufficient and full protection given from the pernicious methods employed by open-sea seal hunters.

PROTECTION AND PRESERVATION.

OTHER SEAL HERDS.

Destruction.

The indiscriminate slaughter of seals in the waters of the Pacific Ocean and Bering Sea can not fail to produce a result similar to that observed in the southern hemisphere, where the fur-seals have, except at a few localities, become,

[1] Report of Capt. C. L. Hooper to the Treasury Department, dated June 14, 1892, Vol. I, p. 499.

[2] Vol. II, p. 103.

Destruction.

from a commercial point of view, practically extinct. A full account of the distribution and the destruction of the antartic seal herds is given by Dr. Allen in his article found in the Appendix.[1] Captain Budington, who for over twenty years has sealed about Cape Horn and the islands of the South Atlantic, making his last trip to these regions in the winter of 1891–'92, says: "From hundred of thousands of seals resorting to these islands and coasts the numbers have been reduced to a few hundred, which seek the land in scattered bands and rush to sea on the approach of man."[2] He further adds: "Seals in the antarctic regions are practically extinct, and I have given up the business as being unprofitable."[3] In speaking of the cause of this extermination, he says: "The seals in all these localities have been destroyed by the indiscriminate killing of old and young, male and female. If the seals in these regions had been protected and only a certain number of "dogs" (young males unable to hold their position on the beaches) allowed to be killed, these islands and coasts would be again populous with seal life. The seals would certainly not have decreased and would have

[1] Article by Dr. Allen, Parts I and II, Vol. I, pp. 365, 393.
[2] Vol. II, p. 595. See also Isaac Liebes, Vol. II, p. 515.
[3] Vol. II, p. 595.

Destruction.

produced an annual supply of skins for all times".[1] James Kiernan, who about 1843 visited on a sealing voyage the east coast of Patagonia and the Falkland Islands, says: "These rookeries have since been destroyed through the constant hunting of seals."[2] Caleb Lindahl, also experienced in sealing in southern latitudes, in speaking of the destruction of seals at the South Shetland Islands, says: "If the seals on the South Shetland Islands had been protected I think they would have been there by the million, because in one year they took three hundred thousand seals from the Shetland Islands."[3] The same hunter also, in telling of a sealing expedition he made in 1891 to the south seas, says: "The seals are nearly all killed off down there, so that we got only about twenty skins. It is no use for vessels to go there sealing any more."[3]

The Russian herd.

The pelagic sealers of the North Pacific have not confined their operations to the eastern side of the Pacific Ocean, but have invaded the Russian waters, and the slaughter has already been carried on to such an extent in that locality that the Commander herd has begun to decrease in the same manner as the Alaskan herd.[4]

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[1] Vol. II, p. 595.
[2] Vol. II, p. 450.
[3] Caleb Lindahl, Vol. II, p. 456.
[4] Gustave Niebaum, Vol. II, p. 203.

British protection of the seal.

The necessity of protection to seal life from unlimited destruction, in order that the species may be preserved, is not only evidenced by the examples above cited, but has been recognized by a number of nations, especially by Great Britain and her colonies. In fact, it may be said that wherever fur-seals breed in territory over which Great Britain has control the species has received particular protection from indiscriminate slaughter. At the Falkland Islands, a British dependency, formerly so productive of the fur seal species, the Government of the Islands in 1881 issued a decree,[1] the preamble of which is as follows: "Whereas the Seal Fisheries of these Islands, which was at one time a source of profit and advantage to the colonists, has been exhausted by indiscriminate and wasteful fishing, and it is desirable to revive and protect this industry by the establishment of a Close Time during which it shall be unlawful to kill or capture seals within the limits of this Colony and its dependencies." The ordinance proceeds to enact stringent regulations prohibiting seal hunting "within the limits of this Colony and its dependencies." Capt. Budington, an experienced navigator and seal hunter in southern

Falkland Islands.

[1] Falkland Islands Seal Fishery Ordinance, Vol. I, p. 135.

Falkland Islands.

waters, visited that region in January, 1892, and he states, under oath, that the ordinance of 1881 is enforced in the sea surrounding those islands outside the three-mile limit, and that it would be deemed a violation of the law to take seals during the close season between the Falkland Islands and Beauchene Island, twenty-eight miles distant.[1]

New Zealand.

During the past fifteen years a series of laws and orders in council have been enacted for the protection of seals in the Colony of New Zealand, which not only established a close season, but have at times entirely prohibited the taking of seals for a consecutive period of eight years.[2] The New Zealand Seal Fisheries Act of 1878 established a close season for seals extending from October 1 to June 1.[2] Section 4 empowers the Governor, by Order in Council, to extend or vary the close season as to "the whole Colony or only in particular parts thereof." And this provision has been substantially reënacted in all subsequent legislation. The area designated as "the Colony" is taken to mean the area

[1] James W. Budington, Vol. II, p. 593.

[2] New Zealand Act, 1878, Vol. I, p. 437. See also Reports, Department of Marine (1880-1890). Regulations by the Governor of New Zealand in Council, January 10, 1888.

specified in the act[1] creating the colony, which defines its boundaries as coincident with parallels 33° and 53° south latitude, and 162° east and 173° west longitude.[2] The Fisheries Act of 1884[3] empowers the Governor in Council "to make, alter, and revoke regulations which shall have force and effect only in waters or places specified therein;" and almost unlimited authority is thus conferred upon the executive to establish close seasons, and to make regulations respecting the purchase or sale of fish, including seals, and punishment for violation of the law and orders. The definition in the act of the term "waters" indicates that it applies to the entire area of the Colony, of which the southeastern corner is over seven hundred miles from the coast of New Zealand, although a few smaller islands intervene. The Amendment Act of 1887,[4] making the penalties more stringent, provides (Sec. 6) that the commander of any public vessel may seize, search, and take any offending vessel

New Zealand.

[1] 26 and 27 Vic. c. 23 Sec. 2, Vol. I, p. 436; Extract. . . . "The Government purpose leasing the right to seal within the Colony of New Zealand, which extends within the area comprised between 162° east longitude and 173° west longitude, and between 33° and 53° of south latitude." From "Handbook of the Fishes of New Zealand." Prepared under the instructions of the Commissioner of Trade and Customs, by R. A. A. Sherrin. Auckland, 1886," p. 254.

[2] Map of Colony of New Zealand, Vol. I, p. 437.

[3] New Zealand Act, 1884, Vol. I, p. 437.

[4] New Zealand Act, 1887, Vol. I, p. 440.

New Zealand.

"within the jurisdiction of the Government of the Colony of New Zealand." The "Handbook of the Fishes of New Zealand," already cited, a book "prepared under the instructions of the Commissioner of Trade and Customs," reviews at some length the seal life and industry of the Colony, and in advocating stringent protection states that "seals are property the State should zealously guard." In pursuance of the foregoing cited laws and regulations the Government of New Zealand has kept a cruiser in service for some years for the purpose of patrolling the waters of the Colony and enforcing the law.[1] It is now proposed to lease the exclusive right to take seals within the limits of the Colony to a company.[2] In the Colony of the Cape of Good Hope sealing is prohibited at the rookeries and in the waters adjacent thereto, except under stringent regulations.[3] The laws and regulations of the British colonies just cited have reference to the fur-seals of the South Seas, similar in their habits to the seal herd of the Pribilof Islands,

Cape of Good Hope.

[1] Reports, Marine Department of New Zealand, 1882, 1883, 1887, 1888.

[2] "Handbook of the Fishes of New Zealand," p. 254.

[3] George Comer, Vol. II, p. 597; William C. B. Stamp, Vol. II, p. 576.

having fixed habitations on the land, to which they regularly resort.[1] Cape of Good Hope.

But Great Britain and its dependencies do not limit their governmental protection to the fur-seal; it is extended to all varieties of seals, wherever they resort to British territorial waters, and they have thrown about them upon the high seas the guardianship of British statutes. In certain of the waters of the North Atlantic are found the hair-seal, of much less commercial value than the fur-seal, and to whose existence the land is not a necessity, as the young may be, and usually are, born and reared on the ice; and yet these seals are under the special protection of British laws. Canadian statutes prohibit all persons, without prescribing any marine limit, from disturbing or injuring all sedentary seal fisheries during the time of fishing for seals, or from hindering or frightening the shoals of seals as they enter the fishery. They also forbid the use of explosives to kill seals.[2] British protection of hair-seal.

The most important hair-seal region of the world is found on the ice floes to the eastward of Newfoundland, often several hundred miles from the coast.[3] This region has been for many years Newfoundland regulations.

[1] An examination of the "Handbook of the Fishes of New Zealand" (pp. 230-233) will show that the fur-seal frequenting those islands is similar in habits to the Alaskan fur-seal in nearly every particular.

[2] Revised Statutes of Canada, c. 95, Secs. 6 and 7; Vol. I, pp. 441, 454.

[3] Allen, "Monograph of North American Pinnipeds," page 234.

Newfoundland regulations.

past under the protection of the Newfoundland Colonial Government, which has enforced a close season, not allowing sail vessels to leave port on sealing voyages before March 1, and steam vessels before March 10, and prohibiting seal killing before March 12, under a penalty of from four hundred dollars to two thousand dollars, and has enacted other stringent regulations.[1] But even these laws have not proved sufficiently efficacious, and in April, 1892, a new act "to regulate the prosecution of the seal fisheries" was passed.[2] This act defers the date of leaving port two days later, and prohibits the killing of seals at all seasons of the year except between March 14 and April 20, inclusive. It is further made an offense to bring any seal killed out of season into any port of the Colony under a penalty of four thousand dollars, and all steamers are prohibited from proceeding on a second trip to the seal waters in any one year. It will be seen from the depositions of Richard Pike, a master mariner of forty-four years' experience in hair-seal hunting, and of James G. Joy, master mariner of twenty-four years' experience in seal hunting, that the law prohibiting the second sealing trip was enacted because it tended to the extermination of the hair-seals, as at least seventy-five per cent of those

[1] Newfoundland Seal Act, 1879, Vol. I, p. 442.
[2] Newfoundland Seal Act, 1892, Vol. I, p. 444.

killed on the second trip are females, and many at that time are shot in the water and sink before they can be recovered.[1] Newfoundland regulations.

Next in importance to the Newfoundland hair-seal region is that in the Atlantic Ocean east of Greenland, and known as the Jan Mayen Seal Fishery. This region in the open sea is embraced in the area lying between the parallels of 67° and 75° north latitude and the meridians of 5° east and 17° west longitude from Greenwich. These fisheries were made the subject of legislative regulation, applicable to their own subjects, by the Governments of Great Britain, Sweden and Norway, Russia, Germany, and Holland, by a series of statutes passed by these several countries during the years 1875, 1876, 1877, and 1878.[2] The 3d of April is established as the earliest date each year on which the seals could be legally captured, and penalties are fixed for a violation of the prohibition. Jan Mayen regulations.

It will thus be seen that not only Great Britain and her colonies have found it necessary to protect by legislation the hair-seal of the North Concurrence of nations.

[1] James G. Joy, Vol. II, p. 591; Richard Pike, Vol. II, p. 592.

[2] "The Seal Fishery Act, 1875," 38 Vict., c. 18; British Order in Council of Nov. 28, 1876; Law of Sweden and Norway of May 18, 1876; Ordinance of Norway of Oct. 28, 1876; Ordinance of Sweden of Nov. 30, 1876; Law of Germany of Dec. 4, 1876; Ordinance of Germany of Mar. 29, 1877; Law of the Netherlands of Dec. 31, 1876; Decree of the Netherlands of Feb. 5, 1877; Law of Russia of Dec. 1878; Sec. 223 of Russian Code of Laws, 1886.

Concurrence of nations.

Atlantic from extermination, but that other nations have united and concurred in the same protection.

White Sea regulations.

Stringent regulations have also been adopted by Russia for the protection of the hair-seals in the Gulf of Mezen, a part of the White Sea, the greater portion of which is beyond the three-mile limit. All sealing is subject to the supervision of public overseers, who have authority to determine the time at which the annual catch is to begin at certain designated places, and to preserve order during the continuance of sealing operations, as to which the law contains certain prohibitions.[1]

Caspian Sea regulations.

The sealeries in that portion of the Caspian Sea which belongs to Russia are under the control of a "Bureau of Fishing and Sealing Industries," which is charged with a general supervision of the sealeries, and the enforcement of the law, which contains regulations for a close season, a license fee, and prohibition of killing or disturbance during the breeding time.[1]

Fur-seal protection by other nations.

Similar enactments protect the fur-seal in other portions of the world, as other nations have recognized how indispensable to the preservation of the fur-seal species is the prohibition of unlicensed and unlimited sealing. The Lobos

[1] Code of Russian Laws, 1886, and map of area, Vol. I, p. 445.

Island rookeries have for over sixty years been protected by the Government of Uruguay, and the right of sealing leased to a company under certain restrictions;[1] and as a consequence of this governmental protection Lobos Islands have for many years past been the chief source of supply from the southern seas. The Governments of Chile and the Argentine Republic have also recently given protection to the fur-seals resorting to their coasts in the hope of restoring their almost exterminated rookeries.[2] The Japanese Government has taken steps toward the restoration and preservation of the fur-seals at the Kurile Islands,[3] and the history of Russian protection on the Commander Islands and Robben Island is too well known to need further citation.

Fur-seal protection by other nations.

Lobos Islands.

Cape Horn.

Kurile Islands.

Commander and Robben Islands.

FISHERIES.

The foregoing review of the legislation of various nations shows that they have deemed it necessary to adopt stringent regulations, not only in waters adjacent to, but also at great distances from, their respective land boundaries, in order to protect from extermination the fur and the hair-seal. But it will be interesting, and profit-

[1] Summary of Uruguay laws, in letter of April 2, 1892, by the Custodian of Archives at Montevideo, Vol. I, p. 448; Article by Dr. Allen, Part II, Vol. I, p. 397.

[2] George Comer, Vol. II, p. 597.

[3] Statutes of Japan, Vol. I, p. 449.

able for the purposes of this Arbitration, to carry the investigation of national legislation a step further and to examine how far Governments have gone in the protection of other forms of animal life in the water, and to what extent extraterritorial jurisdiction is exercised for the preservation of national interests.

Game laws.

All nations and races in all ages have recognized the necessity of affording sufficient protection for the reproduction and continued existence of all animal life useful to the human race. Even the savage recognizes and enforces this humanitarian and economic principle, but it is most fully recognized and enforced among civilized nations. An examination of the legislation of the countries of Europe and America shows that the protection of the Government is everywhere extended to animals *feræ naturæ* during the breeding season, and that especially the mother, when heavy with young or while her offspring is dependent upon her, is under the guardianship of the law. The wild animal on the land and the fish in the sea are both preserved by a close season and stringent rules, having particular reference to the reproduction and undiminished existence of the species. As indicating the character of this legislation, the attention of the Arbitrators is directed to a paper

in the Appendix, giving a brief review of the game and fishery laws of Great Britain and Canada.[1] Game laws.

Game and fishery laws are usually limited in their effects to the land and territorial waters of the country which enacts them. But instances are many wherein nations have not hesitated to extend the effects of their laws to the waters contiguous to their shores, beyond the ordinary three-mile limit. Citations have already been made of the laws for the protection of seals of quite a number of nations, which, so far as their own subjects are concerned, apply to large areas of the high seas, and it has been shown that Great Britain and Russia extend their exclusive jurisdiction for the protection of seals, frequenting waters contiguous to their shores, far beyond the marine league. But further instances may be cited where nations have exercised extraterritorial jurisdiction on the ocean for the protection of other species of marine life besides the seal. In fact, it may be laid down as a principle, established by international usage, that any nation which has a peculiar interest in the continued existence of any valuable marine product, located in the high seas adjacent to its coasts or Extraterritorial jurisdiction.

[1] Game and Fishery Laws of Great Britain and Canada, Vol. I, p. 450.

Extraterritorial jurisdiction.

territorial waters, may adopt such measures as are essential to the preservation of the species, without limitation as to the distance from land at which such necessary measures may be enforced.

Irish oyster fisheries.

This principle is well illustrated by two recent statutes enacted by the Parliament of Great Britain. By the British "Sea Fisheries Act" of 1868[1] provision is made for the regulation of oyster dredging on any oyster bed within twenty miles of a straight line drawn from the eastern end of Lambay Island to Carnsore Point on the eastern coast of Ireland. The law states in terms that it is to be enforced "outside of the exclusive fishery limits of the British Isles," and that every order issued in pursuance of it shall be binding not only on British sea-fishing boats, but also "on any other sea-fishing boats in that behalf specified in the order and on the crews of such boats." In other words, jurisdiction may be asserted over foreigners as well as British subjects at a distance of twenty miles from land.

Scotch Herring Fishery Act.

The Scotch Herring Fishery Act of 1889[2] furnishes another illustration in point. That act provides that certain destructive methods of fishing may be prohibited by the fishery board in

[1] Statute of British Parliament, 31 and 32 Vict., c. 45, Sec. 67; map of area defined in the statute, Vol. I, p. 457.

[2] Statute, 52 and 53 Vict. c. 23, and map, Sec. 7, Vol. I, p. 458.

any part of an area of the open sea, two thousand seven hundred square miles in extent, lying off the northeast coast of Scotland, within a line drawn from Duncansby Head, in Caithness, to Rattray Point, in Aberdeenshire." The act is not confined in its operations to British subjects, but provides that "any person" offending against its provisions shall be liable to a fine and the forfeiture of his fishing apparatus. Scotch Herring Fishery Act.

The legislation of several of the colonies of Great Britain also abounds in instances of the exercise of extraterritorial jurisdiction upon the high seas for the protection of different species of marine life. The pearl fisheries of Ceylon extend into the open sea for a distance of twenty miles, and they have been the subject of a series of ordinances and regulations from 1811 down to the present time, which for certain purposes define the limit of marine jurisdiction to be twelve miles, and for other purposes a distance which varies from six to twenty miles.[1] Pearl fisheries of Ceylon.

The pearl fisheries of Queensland and Western Australia were, in the years 1888 and 1889, made the subject of regulation by two statutes enacted by the Federal Council of Australasia.[2] These statutes extended the local regulations of Pearl fisheries of Australia.

[1] Ordinances of Ceylon, and map, Vol. I, p. 461.

[2] Statutes of Australasia, and map, Vol. I, p. 467.

Pearl fisheries of Australia.

the two countries mentioned to defined areas of the open sea, of which the most remote points are about two hundred and fifty miles from the coast of Queensland, and about six hundred miles from the coast of Western Australia. These acts are, by their terms, limited in their operation to British subjects, but as Sir George Baden-Powell has pointed out, in a recent address delivered before the Association of the Codification of the Law of Nations,[1] the remoteness of these waters renders it practically impossible for foreign vessels to participate in the pearl fisheries without entering an Australian port, and thereby rendering themselves amenable to Australian law.

French legislation.

The fishery legislation of France also recognizes the same principle. A commission, appointed by the French Government in 1849 to investigate the fisheries of that country and to make recommendations, reported that they deemed it inexpedient to assign any precise limit to territorial waters beyond which the laws recommended should cease to be operative.[2] Accordingly the laws passed in pursuance of this report were so framed as to leave this question open, and the Decree of May 10, 1862, Sec. 2,

[1] Delivered at Liverpool, Aug. 29, 1890; see page 9.

[2] Rapport de la Commission du 25 juin, 1849, pour l'examen d'un projet de loi sur la pêche maritime côtière, p. 25.

went so far as to provide in terms that under certain circumstances fishing might be prohibited over areas of the sea beyond three miles from shore.[1] Numerous laws have also been enacted by France to protect and regulate the coral fisheries of Algeria, both as to natives and foreigners, and the coral beds so regulated extend at some points as far as seven miles into the sea.[2] French legislation.

The coral beds surrounding the island of Sardinia and lying off the southwest coast of Sicily have been made the subject of elaborate regulations by the Government of Italy. The Sardinian coral beds are situated at distances from land which vary from three to fifteen miles.[3] The principal coral beds of Sicily are three in number, and are respectively distant from the coast fourteen, twenty-one, and thirty-two miles. At present all coral fishing is prohibited on these banks by Royal Decree, for a designated period, Italian legislation.

[1] French Decree and map, Vol. I, p. 469.

[2] Map, Vol. I, p. 469. "Les Pêches Maritimes en Algérie et en Tunisie." Rapport au ministre de la marine, par M. M. Bouchon Brandely, Inspecteur général des pêches maritimes, et A. Berthoule, Secrétaire général de la Société national d'acclimatation, membre du Comité consultatif des pêches maritimes.

[3] Map, Vol. I, p. 470. British admiralty chart No. 281. "Il Carallo in Sardegna, Relazione presentata à S. E. il ministro di Agricoltura, Industria e Commercio, dal Professore Parona Corrado, dell' Università di Cagliari." "Annali dell' Industria e del Commercio, 1882."

Italian legislation.

at the close of which the previous restrictive regulations will be again enforced.[1]

Norwegian legislation.

This principle is also recognized in the legislation of Norway in the statute of 1880 for the protection of whales, during an annual close season, in Varanger Fiörd, an arm of the open sea about thirty-two marine miles in width, lying off the northeast coast of Norway.[2]

Panama legislation.

The Government of Panama, in the Republic of Colombia, has recently enacted a law prohibiting the use of diving machines for the collection of pearls within an area of the sea over sixty marine miles in length, and extending outward about thirty marine miles from the coast.[3]

Mexican legislation.

The Mexican pearl fisheries lying off the coast of Lower California have been made the subject of special exclusive grants to private individuals. Along part of the coast the pearl beds have been divided for this purpose into two belts, of which the inner belt extends seaward a distance of five kilometers (about three miles), and the outer belt is bounded by lines drawn parallel to the coast at distances of five and ten kilometers. It is ob-

[1] Statutes of Italy, and maps, Vol. I, pp. 470, 472. "Relazione del Professore Giovanni Canestrini al Ministro di Agricoltura, Industria e Commercio Sulle ricerche fatte nel Mare di Sciacca intorno ai Banchi Corallini." "Annali dell' Industria e del Commercio, 1882."

[2] Statutes of Norway, Vol. I, p. 482.

[3] Statutes of Panama, and map, Vol. I, p. 484.

vious that the greater portion of this outside belt lies beyond the three-mile limit.[1] Mexican legislation.

Maps will be found in the Appendix, as cited, showing the extent of marine territory over which jurisdiction is exercised by the different Governments named. Reference may also be made to the British Hovering Acts,[2] the St. Helena Act of 1815,[3] and the Quarantine Act of 1825,[4] as well as various international conventions for the protection and regulation of fisheries on the high seas. Other cases of extraterritorial jurisdiction.

ALASKAN HERD.

This hasty review of the legislation of near a score of nations clearly establishes the principle announced that any nation, having a peculiar interest in the continued existence of animal life in the high seas adjacent to its coasts or territorial waters, may adopt such measures as are essential to its preservation, without limit as to the distance from land at which such measures may be enforced. It is a remarkable fact, however, in view of the legislation just cited, that the Alaskan seal herd, so valuable to the human Unprotected condition.

[1] Statutes of Mexico, and map, Vol. I, p. 486.

[2] 9 Geo. II, c. 35, Sec. 23, statute repealed in 1825, but partially reenacted as to the limit of four leagues as recently as 1845, 8 and 9 Vict., c. 86, Sec. 2.

[3] 56 Geo. III, c. 23, Sec. 4, Vol. I, p. 495.

[4] 6 Geo. IV, c. 78, Secs. 8, 9, Vol. I, p. 496.

Unprotected condition.

race, stands almost alone in the animal life of the world in being denied protection during the necessary period of the reproduction of its species. The review of the habits of the Alaskan seal and of the practices of the pelagic hunters has shown that for at least nine months of the year this herd is exposed to the relentless and untiring pursuit of the pelagic hunter, and that during the remaining three months his hand is only stayed by the inclemency of the weather which renders pursuit impossible. And it has been further shown that this pursuit is most active and destructive at the time when the female seal is approaching the season of the delivery of her young, or when she is nursing the pup which is entirely dependent upon the mother's milk for sustenance.

Necessity of its protection.

The necessity of protection of this particular herd is affirmed by numerous witnesses of every degree of experience and knowledge, including leading naturalists of America and of many European nations, those engaged in the sealskin industry, both in the United States, Great Britain, and France, experienced sealers, and many others conversant with seal life and the present condition of the Alaskan herd.

The British and American Bering Sea Commissioners, although they do not assert in their joint report that protection is necessary, give, as a conclusion reached, the following: "We are in thorough agreement that for industrial as well as for other obvious reasons, it is incumbent upon all nations, and particularly upon those having direct commercial interests in fur-seals, to provide for their proper protection and preservation."[1] The Joint Commission.

The British Government also has recognized the necessity of protecting this seal herd from destruction, in its correspondence with the Government of the United States, and has advocated certain methods of preservation through a close season and prohibition of sealing within certain limits.[2] Lord Salisbury, in 1888, so far recognized the need of protection to the seal herd as to suggest that a close season from April 15 to October 1 be established in the whole of Bering Sea and those portions of the Sea of Okhotsk and of the Pacific Ocean north of north latitude 47°, and that this limitation should be enforced by international agreement between the United British recognition.

[1] Joint Report of British and American Bering Sea Commissioners. *Post*, p. 309.

[2] Sir J. Pauncefote to Mr. Blaine, April, 1890; Marquis of Salisbury to Sir L. West, April 16, 1891; Sir J. Pauncefote to Mr. Wharton, June 11, 1891.

British recognition.

States, Great Britain, Russia, and other nations interested.[1]

Opinions of naturalists.

Professor Huxley.

Professor T. H. Huxley, in considering this question of the decline of the Alaskan herd and the need of protecting it, says: "That the best course would be to prohibit the taking of fur-seals anywhere except on the Pribilof Islands."[2]

Dr. Sclater,

Dr. Sclater, secretary of the Zoölogical Society of London, says "that in his opinion as a naturalist, unless proper measures are taken to restrict the indiscriminate capture of the fur-seal in the North Pacific he is of the opinion that the extermination of this species will take place in a few years, as it already has done in the case of other species of the same group in other parts of the world."[3]

Dr. Merriam's letter.

Dr. C. Hart Merriam, one of the American Bering Sea Commissioners, sent out a letter to a number of the principal zoölogists and scientists of the world, stating briefly the results of his investigations as to the condition of the Pribilof rookeries and the cause of the decrease; the letter closes with the following conclusions: "It seems to be a fair inference, therefore, that the only way to restore the depleted rookeries to their former condition is to stop taking seals at sea,

[1] Mr. White to Mr. Bayard, April 20, 1888; Marquis of Salisbury to Sir L. West, April 16, 1888.

[2] Vol. I, p. 412.

[3] Vol. I, p. 413.

and not only in Bering Sea, but in the North Pacific as well."[1] In replying to this communication, Dr. Raphael Blanchard, of France, says: "By reason of the massacres of which it is a victim, this species is advancing rapidly toward its total and final destruction, . . . and there is for our generation an imperious duty to prevent the destruction of the fur-seal, to regulate strictly its capture, in a word, to perpetuate this source of wealth and to bequeath it to our descendants."[2] Dr. Henry H. Giglioli, of Italy, in his reply, says: "It is both as a naturalist and as an old Commissioner of Fisheries, that I beg to say . . . that I most entirely and most emphatically agree with you in the conclusions and recommendations you come to in your report on the present condition of the fur-seal industry in the Bering Sea, with special reference to the causes of decrease and the measures necessary for the restoration and permanent preservation of that industry, which conclusions and recommendations are fully supported and justified by the facts in the case."[3] Professors A. E. Nordenskiold and W. Lilljeborg, of Sweden, uniting in a reply to Dr. Merriam's letter, say: "As to the pelagic sealing it is evident that a systematic

Dr. Merriam's letter.

Dr. Blanchard.

Dr. Giglioli.

Professors Nordenskiold and Lilljeborg.

[1] Vol. I, p. 117.
[2] Vol. I, p. 427.
[3] Letter of Dr. Henry H. Giglioli, Vol. I, p. 425.

Professors Nordenskiold and Lilljeborg.

hunting of the seals in the open sea on the way to and from or around the rookeries will very soon cause the complete extinction of this valuable, and, from scientific point of view, so extremely interesting and important animal."[1]

Other naturalists.

Besides these declarations above quoted, other scientists, of France, Italy, Sweden, Russia, Germany, Austria, Norway, and Argentine Republic, to whom Dr. Merriam's letter was sent, unite in commending the conclusions set forth and affirm the need of protection to the seal herd.[2]

Dr. Allen.

Dr. Allen shows plainly the need of protecting the Alaskan herd, in a brief summary of the results of pelagic sealing.[3]

Canadian recognition.

In the Canadian Fisheries Report for 1886, already adverted to, Thomas Mowatt, esq., Inspector of Fisheries for British Columbia, in his report, after giving the catch for the year by sealing vessels, and stating the fact that it was composed almost entirely of female seals, adds: "This enormous catch, with the increase which will take place when other vessels fitting up every year are ready will, I am afraid, soon deplete our fur-seal fishery, and it is a great pity

[1] Letter of Professors Nordenskiold and Lilljeborg, Vol. I, p. 429.

[2] Letters of Dr. A. V. Middendorf, Dr. Emil Horub, Dr. R. Collett, Dr. Leopold Van Schranck, and others, Vol. I, pp. 418–433.

[3] Article by Dr. Allen, Part III, Vol. I, p. 410.

such a valuable industry could not in some way be protected." Canadian recognition.

Mr. Walter E. Martin, head of the firm of C. W. Martin & Sons, already quoted, says "that the preservation of the seal herds found in the North Pacific regions is necessary to the continuance of the fur-seal business, as those herds are the principal sources of supply of sealskins left in the world, and from his general knowledge of the customs of that business deponent feels justified in expressing the opinion that stringent regulations of some kind are necessary in order to prevent those herds from disappearing like herds which formerly existed in large numbers in the South Pacific seas."[1] Opinions of London furriers.

Sir George Curtis Lampson, already mentioned as the senior member of the house of C. M. Lampson & Co., says that he "has no doubt that it is necessary in order to maintain the industry that steps should be taken to preserve the existence of the seal herd in the North Pacific Ocean and Bering Sea from the fate which has overtaken the herds in the south seas."[2] The said firm of Lampson & Co., in a letter to the Earl of Iddesleigh, First Lord of Her Majesty's Treasury, dated at London,

[1] Walter E. Martin, Vol. II, p. 570.
[2] Sir George C. Lampson, Vol. II, p. 566.

Opinion of London furriers.

November 12, 1886, in relation, among other things, to the preservation of the Alaskan herd, states that "should Great Britain deny the right of the United States Government to protect the (seal) fishery in an effectual manner there can be no doubt that the Alaska fur-seals, which furnish by far the most important part of the world's supply of sealskins, will be exterminated in a very few years, just as in the South Atlantic, the Shetland and Georgia fur-seals, which used to furnish even finer pelts than the Alaskas, have already been."[1] Again, in September, 1890, Lampson & Co. wrote to the Foreign Office that "unless a close season can be arranged immediately the animal will undoubtedly become extinct within a very short time."[2] Mr. C. Hawkins, a British subject, in a letter already mentioned, addressed to the Marquis of Salisbury, states that "this wholesale slaughter of the females will, in a short time, bring about the extermination of the seal in that district if not arrested."[3]

Opinions of French furriers.

M. Léon Révillon, a member of the well known Parisian firm of Révillon fréres, which has been engaged in the manufacture of sealskin garments for over twenty years, in speaking for his

[1] British Blue Book, U. S. No. 2 (1890), C–6131, p. 24.
[2] British Blue Book, U. S. No. 1 (1891), C–6253, p. 11.
[3] British Blue Book, U. S. No. 3 (1892), C–6635, p. 5.

company, says: "We firmly believe that if the slaughter of the Northwest Coast fur-seals is not stopped or regulated, the Alaska fur-seals will disappear entirely, as is the case with the seals of the Shetland Islands."[1] The same belief is also stated by M. Emin Hertz, head of the fur firm of Emin Hertz & Cie., which is located in the city of Paris. He says: "If this pursuit in the open sea continues as in the past two years, the said firm firmly believes that in a short time the seal will exist only as a souvenir and will be completely exterminated."[2]

Opinions of French furriers.

Mr. Elkan Wasserman, of San Francisco, who has been a furrier for thirty years, says: "From my knowledge of the sealing business, I am satisfied that the seals will be entirely exterminated unless protected from the indiscriminate pursuit in the waters that has been going on for the last few years."[3] Mr. C. A. Williams, one of the original members of the Alaska Commercial Company, formerly lessees of the Pribilof Islands, but no longer interested in those rookeries, says that if open-sea sealing continues the seals of Bering Sea will within five years be as extinct as the seals of the South Sea Islands.[4] And Mr.

Opinions of American furriers.

[1] Vol. II, p. 590.
[2] Vol. II, p. 588.
[3] Vol. II, p. 534.
[4] Vol. II, p. 538.

Opinions of American furriers.

Herman Liebes, already spoken of as being the largest purchaser of the Northwest catch at Victoria, British Columbia, places the time of extermination at three years unless the herd is protected from the depredations of pelagic sealers.[1]

Opinions of pelagic sealers.

Turning now to those still more conversant with the wasteful destruction of life through open-sea sealing, the resulting depletion of the Alaskan herd, and the probable effect of continuing pelagic hunting, the opinions already given are still further sustained. A great number of these men, sealers with more or less experience, unite in declaring the necessity of protecting the herd in order to preserve it from certain extermination in the near future. Alexander McLean was asked the question: "If sealing continues as heretofore, is there any danger of exterminating them [the seals]?" He replied: "If they continue as they have been since I have been in the business, I will give them ten years. After that the sealing business will be about finished."[2] Mr. Morris Moss, vice-president of the Sealers' Association of Victoria, British Columbia, says: "It is very important that if the fur seal is to be preserved, it must be protected from indiscriminate slaughter in the open sea or it will soon be

[1] Vol, II, p. 514.
[2] Vol. II, p. 438.

exhausted."[1] John Morris, a sealer of experience, already mentioned, says: "With the present increasing fleet of sealing vessels the seal herd will soon become exterminated unless some restrictions are placed upon pelagic sealing."[2] William H. Long, who has been a hunter, a mate, and a captain on sealing vessels, says: "I think if something is not done to protect seals in the North Pacific and Bering Sea they will become exterminated in a very few years."[3] Caleb Lindahl, who has sealed both in arctic and antarctic seas, says: "If they keep on hunting them in the Bering Sea and the North Pacific, in the same way they have done in the last few years, they will exterminate them in the same way [as in the southern seas], because most all the seals killed are females."[4] To these statements might be added many others of those experienced in open-sea sealing.[5]

Opinions of pelagic sealers.

The certainty of extermination of the herd if not protected is also set forth by many of the Indian hunters, whose long experience and careful observation of the condition of the migrating

Opinions of Indian hunters.

[1] Vol. II, p. 342.
[2] Vol. II, p. 340.
[3] Vol. II, p. 458.
[4] Vol. II, p. 456.
[5] Thomas Gibson, Vol. II, p. 432; A. J. Hoffman, Vol. II, p. 447; F. F. Feeney, Vol. II, p. 220; Luther T. Franklin, Vol. II, p. 426; O. Holm, Vol. II, p. 368; Martin Benson, Vol. II, p. 406.

Opinions of Indian hunters.

herd from year to year make them fully competent to give an opinion of value and weight. Alfred Irving, a Makah Indian hunter, says: "If they keep on killing them with guns there will be none left in a little while.[1] Selwish Johnson, of the same tribe, says: "If hunted with guns they will all soon be destroyed."[2] Gonastut, an Indian belonging to the Yakutat tribe, after stating that seals are becoming very scarce, gives as a reason that too many schooners are hunting them, adding "Seals will soon be no more unless the Great Father stops the schooners from hunting."[3] And a great many more Indians make like statements.[4]

Opinions of other witnesses.

Other witnesses, who are thoroughly familiar with the habits and nature of the Alaskan fur seals, or who have had ample opportunity to examine the constant decrease and compare it with the known facts and figures of pelagic sealing and its increase, give like opinions as to the need of protection if the seals are to be preserved.[5] Mr. Maxwell Cohen says: "After twenty-two years' experience in Alaska in the fur business, I

[1] Vol. II, p. 387.

[2] Vol. II, p. 389.

[3] Vol. II, p. 238.

[4] Peter Brown, Vol. II, p. 378; Thomas Zolnoks, Vol. II, p. 399; Charles Martin, Vol. II, p. 297.

[5] Samuel Falconer, Vol. II, p. 162; M. A. Healy, Vol. II, p. 28; A. P. Loud, Vol. II, p. 39; H. G. Otis, Vol. II, p. 88; Wm. H. Williams, Vol. II, p. 94; Aggie Kushiu, Vol. II, p. 130; C. M. Scammon, Vol. II, pp. 475, 476.

Opinions of other witnesses.

have no hesitation in saying that if the fur-seal species is to be saved from extinction, all pelagic sealing must cease."[1] Dr. H. H. McIntyre, after twenty years of careful study of the habits and condition of the seal herd, necessitated by his position as resident superintendent of the Alaska Commercial Company on the Pribilof Islands, says: "I am fully convinced, from my knowledge of seal matters, that if this indiscriminate and reckless destruction of the Pribilof seal herd continues as it has done in the past six years in Bering Sea and the North Pacific, the seals will be practically exterminated in a very few years, even if the United States Government should not allow any seals to be taken on the Pribilof Islands, for the destruction of females in the water has reached a number that can not be met by the annual increase."[2]

Conclusions.

The facts thus submitted are, that the Alaskan seal herd has decreased to a great extent in the last few years; that the sole cause of such decrease has been the indiscriminate and wasteful slaughter of seals in the open seas, particularly pregnant and nursing females; that if such destruction continues the northern fur-seal will be practically exterminated; and that both from

[1] Vol. II. p. 225.
[2] Vol. II, p. 46.

Conclusions.

a scientific point of view and from actual experience it is necessary to protect the seal herd from this means of slaughter in order to preserve the species.

Means necessary.

Upon the question what are the restrictions or prohibitions needful to accomplish the desired results, it is only necessary to consider those applicable to open-sea sealing, for it has already been shown that regulations can be enforced upon the Pribilof Islands so that a certain number of young male seals can be taken annually on the islands for an indefinite period without decreasing or impairing the normal condition of the herd, and this is particularly shown by the American Commissioners and various witnesses.[1] As to what restrictions are necessary to be enforced in relation to pelagic sealing, the opinions naturally vary according to the knowledge, prejudice, or conclusions of the individual. These opinions may be placed in two classes, absolute prohibition and limited prohibition. Naturally, the majority of those whose interests would be affected by an absolute prohibition of open-sea sealing in all waters frequented by the Alaskan herd, will be found affirming the need of a

[1] Report of American Bering Sea Commissioners, *post*, p. 352; H. H. McIntyre, Vol. II, p. 45; William H. Williams, vol. II, p. 94; George Wardman, vol. II, p. 179; W. H. Dall, vol. II, p. 24.

limited prohibition, while those who are unbiased by interest or who desire the preservation of the seal declare that absolute prohibition can only accomplish its preservation.

Means necessary.

Mr. Phillip Lutley Sclater, Ph. D., secretary of the Zoological Society of London, says that, in his opinion as a naturalist, "unless proper measures are taken to restrict the indiscriminate capture of the fur seal in the North Pacific the extermination of this species will take place in a few years, as it has already done in the case of other species of the same group in other parts of the world;" that "it seems to him that the proper way of proceeding would be to stop the killing of females and young of the fur-seal altogether, or as far as possible, and to restrict the killing of the males to a certain number in each year;" and that "the only way he can imagine by which these rules could be carried out is by killing the seals only on the islands at the breeding time (at which time it appears that the young males keep apart from the females and old males), and by preventing altogether, as far as possible, the destruction of the fur-seals at all other times and in other places."[1] Professor Dall, whose opinion must necessarily be con-

Absolute prohibition of pelagic sealing.

[1] P. L. Sclater, Vol. I, p. 413. See also quotation from Prof. T. H. Huxley, *ante*, p. 240.

Absolute prohibition of pelagic sealing.

sidered as entirely unbiased, unless a scientific interest can be regarded as a bias, says: "Upon the amount of protection depends the safety of the seal herd in the future. If protected only upon the Pribilof Islands, extermination will be rapid; if they are protected upon the islands and in the waters of Bering sea also, the decrease will be slower, but ultimate extinction will probably follow. To preserve them completely it is necessary that they should be protected in all waters which they frequent at all times."[1] Mr. C. A. Williams, whose long experience in the fur business has made him thoroughly competent to speak on this question, and whose interest is no longer affected by the preservation of the seal herd, says that he "regards it as important that the seal herd should be protected * * * in the North Pacific, as otherwise they will be exterminated, even if sealing be prohibited in the Bering Sea."[2] Dr. H. H. McIntyre says: "In my judgment the seals should be protected in Bering Sea and the North Pacific, and that pelagic sealing should be entirely prohibited in said waters."[3] Mr. Alfred Fraser, already mentioned as a British subject, whose interests are entirely with the continuance of the sealskin

[1] Vol. II, p. 24.
[2] Vol. II, p. 538.
[3] Vol. II, p. 46.

industry in London, says "that, in his judgment, the absolute prohibition of pelagic sealing, *i. e.*, the killing of seals in the open sea, whether in the North Pacific or the Bering Sea, is necessary to the preservation of the seal herds now surviving."[1] Besides the statements given above, many other witnesses express the same opinion.[2]

Absolute prohibition of pelagic sealing.

Those asserting the need of only a limited prohibition are divided in their views as to the means necessary, some advocating a close season, in which all killing of seals should be prohibited, others that the use of firearms in taking seals should be forbidden, others that the seal herd should not be molested in the waters of Bering Sea, and still others who believe that a zone about the islands of from thirty to fifty miles would be sufficient.

Limited prohibition of pelagic sealing.

The first of these propositions is supported by a number of sealers, but the period of time in which pelagic sealing should be prohibited varies. Daniel Claussen advocates a close season from July 1 to the last of October;[3] Arthur Griffin, from April to September 1, inclusive;[4] Joshua

A close season.

[1] Vol. II, p. 557.

[2] W. C. Coulson, Vol. II, p. 416; T. F. Ryan, Vol. II, p. 175; J. H. Moulton, Vol. II, p. 73; W. B. Taylor, Vol. II, p. 177; B. F. Scribner, Vol. II, p. 90; T. F. Morgan, Vol. II, p. 65; Gustave Isaacson, Vol. II, p. 440; J. A. Bradley, Vol. II, p. 227; H. W. McIntyre, Vol. II, p. 13[illegible].

[3] Vol. II, p. 412.

[4] Vol. II, p. 326.

A close season.

Stickland, from May 1 to September 15;[1] Frank Johnson from the 1st of July to the end of the year;[2] G. E. Miner, from January 1 to August 15.[3] James Kiernan says the seals should be protected from February until October,[4] and Isaac M. Lenard, from February to November.[5] Thomas Brown (No. 1.) says that in order to prevent the extermination of seals the hunting of them should be prohibited until after the mother seals give birth to their young;[6] which opinion is also advanced by Capt. Victor Jackobson.[7] William Short says that sealing should be prohibited in the North Pacific before the middle of June.[8] And Charles Peterson says: "The practice of taking seals in the water before they give birth to their young is destructive to seal life and should be prohibited."[9]

A close season impracticable.

A glance at the above opinions of those who have been or are engaged in pelagic sealing is sufficient to show that a close season can not accomplish the preservation of the seal, for, taken

[1] Vol. II, p. 350.
[2] Vol. II, p. 441.
[3] Vol. II, p. 467. See also George Dishow, Vol. II, p. 323.
[4] Vol. II, p. 451.
[5] Vol. II, p. 217.
[6] Vol. II, p. 319.
[7] Vol. II, p. 328.
[8] Vol. II, p. 348.
[9] Vol. II, p. 346.

collectively, every month in the year is comprised in the statement of one sealer or another, evidently showing that in every month the seal herd needs protection. Dr. George Dawson, one of the British Bering Sea Commissioners, in an article entitled "Note on the Question of Protection of the Fur Seal in the North Pacific," which was inclosed in a communication from Sir Julian Pauncefote to Mr. Blaine, dated March 9, 1890, says: "The circumstance that the female fur-seal becomes pregnant within a few days after the birth of its young, and that the period of gestation is nearly twelve months, with the fact that the skins are at all times fit for market (though for a few weeks, extending from the middle of August to the end of September, during the progress of shedding and renewal of the longer hair, they are of less value), show that there is no natural basis for a close season generally applicable."[1] And Sir George Baden-Powell, the other British Bering Sea Commissioner, in a letter to the London Times, published Saturday, November 30, 1889, opposes a close season for all months excepting July, August, and September, on the ground that "the Canadian sealers commence sealing in December and seal contin-

A close season impracticable.

[1] Sir Julian Pauncefote to Mr. Blaine, March 9, 1890, inclosure No. 4.

A close season impracticable.

uously from then till August." Professor Huxley also says: "In such a case as this I do not believe that the enforcement of a close time, either in Bering Sea or on the Northwest Coast, would be of any practical utility, unless the fishing is absolutely prohibited."[1]

Prohibition of use of firearms.

The second means of protection, the prohibition of the use of firearms, is naturally advanced by the Indian hunters.[2] It is but necessary to recall the fact that with less than twenty vessels engaged in sealing during the years from 1880 to 1885, when spears were practically the sole weapon used in the chase, the seals ceased to increase.[3] If, then, the present fleet of over a hundred vessels carried only Indian hunters it is evident the seals would still decrease, for the catch of the Indian, like that of the white man, is composed of the same proportion of female seals and is entirely indiscriminate.[4]

Prohibition of pelagic sealing in Bering Sea.

The third proposition is to close Bering Sea from the invasion of sealing vessels.[5] The same suggestion made on the last point stated, that the seals ceased to increase from 1880 to 1885, with

[1] Statement of Prof. T. J. Huxley, Vol. I, p. 412.

[2] Twongkwak, Vol. II, p. 246; King Kooga, Vol. II, p. 240. See also F. R. King-Hall, Vol. II, p. 334.

[3] *Ante*, p. 165.

[4] Michael Wooskoot, Vol. II, p. 275; Robert Kooko, Vol. II, p. 296; Jack Shucky, Vol. II, p. 289; Charlie Tlaksatan, Vol. II, p. 270.

[5] William H. Smith, Vol. II, p. 478.

less than twenty vessels in the business, is applicable to this method of protection; for, as has already been stated, the sealing vessels at that time seldom entered Bering Sea, confining their operations almost entirely to the North Pacific,[1] and therefore a large increase in the fleet, even though excluded from that sea, would ultimately cause the practical extinction of the herd. The British Government, through its Minister to the United States, Sir Julian Pauncefote, in April, 1890, submitted proposals for a convention, in relation to the sealing industry in Bering Sea and the Sea of Okhotsk, in which Great Britain, Russia, and the United States should join. In these proposals the area suggested to be closed included not only Bering Sea, but a considerable portion of the Pacific Ocean south of the Alaska Peninsula and the eastern Aleutian Passes.[2] And in the earlier correspondence Great Britain even proposed to extend the legislative protection as far south as the forty-seventh parallel.[3]

Prohibition of pelagic sealing in Bering Sea.

Sir George Baden-Powell, one of the British Bering Sea Commissioners, in an article which was published in "The New Review," February,

[1] *Ante*, p. 166.

[2] Letter of Sir J. Pauncefote to Mr. Blaine, dated April —, 1890, inclosure 1.

[3] Mr. White to Mr. Bayard, April 20, 1888; Marquis of Salisbury to Sir L. West, April 16, 1888. See also Sir Julian Pauncefote to Mr. Wharton, June 11, 1891.

Prohibition of pelagic sealing in Bering Sea.

1891, says: "Effectively to protect the industry one would have to include all the Pacific Ocean and coasts thereof to north of, say, latitude 50 deg."[1] Great Britain has therefore conceded that the seal herd needs protection outside Bering Sea during the greater portion of its migration.

Prohibition of pelagic sealing within a zone.

The fourth and last means of a limited prohibition proposed is to draw an imaginary line about the islands within which open-sea sealing should be prohibited. The distance suggested as a radius for such a zone about the Pribilof Islands varies from twenty-five[2] or thirty[3] to fifty miles.[4]

Courses of sealing vessels.

To show how ineffective such a means of protection would be it is but necessary to examine the charts showing the courses of sealing schooners seized in Bering Sea in 1887, which have been platted, from the original log books of the vessels in the possession of the United States Government, by the Bureau of the United States Coast and Geodetic Survey and which have been

[1] "The Bering Sea Dispute: A Settlement," by Sir George Baden-Powell, Vol. I, p. 589.

[2] Lord Stanley of Preston to Lord Knutsford, Feb. 28. 1892, British Blue Book, U. S. No. 1 (1892) C–6633, No. 5, p. 2.

[3] Henry Poland, Vol. II, p. 572; Sir J. Pauncefote to the Marquis of Salisbury, Feb. 26, 1892, British Blue Book, U. S. No. 1 (1892), C–6633, No. 8, p. 3.

[4] Morris Moss, Vol. II, p. 342.

certified to by the Chief of that Bureau. An examination of the course of the British schooner *Ada*, of Victoria, British Columbia, will at once prove the inefficacy of a zone as a means of protection, for it is there shown that within a given area the nearest point of which is one hundred and thirty-seven miles from the islands the catch for thirteen days was seven hundred and forty-seven seals, while in a given area nearly one hundred miles nearer the Pribilof Islands the catch for eighteen days was but five hundred and fifty-six; and, further, that at no time was the vessel within forty-five miles of the seal rookeries.[1] The course of the British schooner *Alfred Adams* shows the nearest point to the islands where seals were taken by her in 1887 was about sixty miles south of St. George Island, and that the majority of her catch was made one hundred and twenty-five miles from the islands.[2] The schooner *Ellen* never came within one hundred and sixteen miles of the rookeries on the islands,[3] and the schooner *Annie's* nearest approach to the islands was seventy-seven miles, her usual distance being over one hundred and fifty miles therefrom.[4] Edward Shield, of Sooke

Courses of sealing vessels.

[1] Chart of course of schooner *Ada*, Vol. I, p. 571.
[2] Chart of course of schooner *Alfred Adams*, Vol. I, p. 543.
[3] Chart of course of schooner *Ellen*, Vol. I, p. 525.
[4] Chart of course of schooner *Annie*, Vol. I, p. 531.

Courses of sealing vessels.

District, Vancouver Island, one of the hunters on board the British schooner *Carolina*, seized by Captain Abbey, United States Revenue Marine, in 1886, says: "During the time while we were cruising about we were in the open sea out of sight of land."[1] Much other testimony of the same nature might be advanced, but it will be sufficient to mention only the declarations of James Douglas Warren as to the places of seizure in the cases of the *W. P. Sayward*, *Grace*, *Anna Beck*, *Dolphin*, *Alfred Adams*, and *Ada*, vessels seized by the United States Government in 1887, the distance given shows how the seals wander many miles from land, for in all cases Mr. Warren states the vessel was engaged in sealing at the distances given: the *W. P. Sayward* about fifty-eight miles from Unalaska, the nearest land;[2] the *Grace* about ninety-two miles from Unalaska, th enearest land;[3] the *Anna Beck* about sixty-six miles from the nearest land;[4] the *Dolphin* about forty-two miles from Unalaska Island, the nearest land;[5] the *Alfred Adams* about sixty-two miles from Unalaska Island, the nearest land,[6] and the *Ada* about fifteen miles

[1] British Blue Book, U. S. No. 2 (1890), C-6131, p. 8.
[2] *Ibid.*, p. 145.
[3] *Ibid.*, p. 148.
[4] *Ibid.*, p. 152.
[5] *Ibid.*, p. 156.
[6] *Ibid.*, p. 160.

northward from Unalaska Island, which said island was the nearest land."[1] Courses of sealing vessels.

Sir George Baden-Powell, in the article published in the "London Times," already referred to, says: "As a matter of fact the Canadian sealers take very few, if any, seals close to these (the Pribilof) islands."

The American Commissioners in their report, after speaking of the absurdity of such a proposed method of protection, say: "There is almost constant cloudiness and dense fog, and it is difficult for a vessel to know her own location within reasonable limits after having cruised about for a short time. A margin of uncertainty would be nearly as wide as the zone itself. . . . In most cases it would be difficult to prove that the sealer was actually within the forbidden area."[2] Fogs in Bering Sea.

Captain Shepard, of the United States Revenue Marine, who seized a number of vessels in 1887 and 1889, while engaged in sealing in Bering Sea, says: "It is my opinion that should pelagic sealing be prohibited in a zone thirty, forty, or fifty miles about the Probilof Islands, it would be utterly useless as a protection to seal life, because female seals go much farther than that

[1] British Blue Book, U. S. No. 2 (1890), C-6131, p. 161. See also William H. Smith, Vol. II, p. 478; Fred Smith, Vol. II, p. 349.

[2] Report of American Bering Sea Commissioners, *post*, p. 376.

Fogs in Bering Sea.

in search of food, and because fogs are so prevalent about those islands that it would be impossible to enforce any such prohibition."[1] Captain Abbey, also of the United States Revenue Marine, who seized several sealing vessels in 1886 in Bering Sea, says: "Fogs are almost constant in Bering Sea in the summer time. During the fifty-eight days I cruised in those waters fifty-four days were foggy and rainy, the other four days partly clear. On this account it is most difficult to seize vessels in Bering Sea. The reports of the guns of the hunters might often be heard when no vessel could be seen. For fifteen or twenty days at a time I did not see the sun, and never while in Bering Sea did I see a star, the nights being continually overcast and foggy."[2] Captain Bryant, already mentioned as the Government agent on the Pribilof Islands from 1870 to 1877, and who prior to that time had been captain of a whaling vessel which for several years had been in Bering Sea, says: "A zone thirty, forty, or fifty miles about the island in which sealing is prohibited would be of little or no protection, as the females, during the breeding season after their pups are born, wander at intervals over Bering Sea in search of food. But, to suppose an impossibility, even if

[1] Vol. II, p. 189.
[2] Vol. II, p. 186.

Fogs in Bering Sea.

such a zone could protect seal life, it would be impossible, on account of the atmosphere being so constantly foggy and misty, to prevent vessels from crossing an imaginary line drawn at such a distance from and about the Pribilof Islands.[1] Others also consider this question of a protecting zone and give the same opinion as the witnesses quoted above.[2] Commander Charles J. Turner, of Her Majesty's cruiser *Nymphie*, which was in Bering Sea in 1891, states that "the weather experienced on the whole was very foggy and rainy, and the fogs greatly aided the sealing schooners in escaping observation."[3] And Lord Salisbury, in discussing the possibility of limiting sealing to one side of a line drawn through the sea, says "that if seal hunting be prohibited on one side of a purely imaginary line drawn in the open ocean, while it is permitted on the other side of the line, it will be impossible in many cases to prove unlawful sealing, or to infer it from the possession of skins or fishing tackle."[4] And the soundness of this statement is still more evident when such an imaginary line is almost continually enveloped in fogs and mists.

[1] Vol. II, p. 9.

[2] H. H. McIntyre, Vol. II, p. 46; A. P. Loud, Vol. II, p. 39; George Wardman, Vol. II, p. 179; H. W. McIntyre, Vol. II, p. 138; H. N. Clark, Vol. II, p. 160.

[3] British Blue Book, United States No. 3 (1892), C-6635, p. 115.

[4] Sir Julian Pauncefote to Mr Wharton, June 6, 1891 (Inclosure).

Absolute prohibition of pelagic sealing necessary.

After a careful consideration of the four methods of limited protection proposed above, it is evident that none of these can preserve the Alaskan seal herd from certain destruction in the near future, no matter how stringently they may be enforced. The result, therefore, of this consideration is, that, if it is deemed necessary or expedient from a practical and commercial point of view to preserve the seal herds of the North Pacific and Bering Sea, pelagic sealing in every form and in all waters must be absolutely prohibited at all times.

THE SEAL-SKIN INDUSTRY.

IN THE PAST.

The commercial value of the Alaskan seal herd, which needs the protection already shown in order to preserve it from practical extinction, is evident on an examination of the seal-skin industry as it formerly existed and as it is at the present time.

Sources of supply.

Formerly—that is, prior to the American occupation of Alaska and Bering Sea, the great sources of supply for fur-seal skins were in both the southern and northern hemispheres. Among those located in the antarctic regions, and from

Sources of supply.

which hundreds of thousands of skins were taken in the early part of this century were Sandwichland, South Shetland Islands, Desolation Island, Goughs Island, Kerguelen Island, Massafuero Island, San Juan Fernandez Island, the Falkland Islands, Tierra del Fuego, Patagonia, Cape Horn, South Georgia Islands, the Crozets,[1] the Cape of Good Hope, New Zealand, and other localities described by Dr. Allen.[2]

It has already been shown how completely these antarctic rookeries have been depleted,[3] but an instance of the enormous numbers taken by sealers in a short time, which shows how populous these southern coasts and islands had once been in seal life, is found in the case of the South Shetlands, where three hundred and twenty thousand skins were taken in two years (1821–1823),[4] and also in the case of Massafuero, from which island there were shipped to Canton in seven years over three million fur-seal skins.[4] Besides the antarctic sources of seal skins there were those which may be called subtropical, consisting of the Guadalupe and Galapagos

[1] Emil Teichmann, Vol. II, p. 577; James W. Budington, Vol. II, pp. 593–594; George Fogel, Vol. II, p. 424; C. A. Williams, Vol. II, p. 536; George Comer, Vol. II, p. 596; Alfred Fraser, Vol. II, p. 555.

[2] Article by Dr. Allen, Parts I and II; Vol. I, pp. 375, 394.

[3] *Ante*, p. 218.

[4] C. A. Williams, Vol. II, p. 541.

Sources of supply.

islands, Lobos Islands,[1] St. Felix and St. Ambrose islands,[2] the depleted condition of all which is well known, except Lobos Island, which, as before shown, has been long protected by the Uruguayan Government.[3] The arctic supply was, as now, the Pribilof Islands, the Commander Islands, Robben Reef, and the Kurile Islands, all these except the last mentioned being directly under the control and management of the Russian American Company.

Markets.

Prior to 1870 all the fur-seal skins save a few thousand were marketed and sold in China, where the skins were plucked,[4] the commercial value being about five dollars in that country and something less in Europe;[1] but the supply being so irregular the market price fluctuated so that a cargo of skins was sometimes sold as low as fifty cents per skin.[5] Russia also received a portion of the supply obtained by the Russian American Company.[6] A few skins, however,

[1] C. A. Williams, Vol. II, p. 542.

[2] Article by Dr. Allen, Parts I and II, Vol. I, pp. 371, 393; Gaffney, Vol. II, p. 430.

[3] Emil Teichmann, Vol. II, p. 578; Alfred Frazer, Vol. II, p. 556; Uruguayan documents, Vol. I, p. 448.

[4] Emil Teichmann, Vol. II, p. 577; C. A. Williams, Vol. II, p. 541; Letter from the Board of Administration of the Russian American Company to General Manager Baranof, dated April 6 (18), 1817, Vol. I, p. 80.

[5] *Ibid*, Vol. II, p. 542.

[6] Letter from Board of Administration of Russian American Company to Captain Rudakof, dated April 22 (May 4), 1853, Vol. I, p. 82.

were purchased in England by J. M. Oppenheim & Company,[1] and in the fifties New York[2] also received a supply from the Russian American Company, but it was not until the lease of the Pribilof Islands to the Alaska Commercial Company in 1870, and through the united efforts of that Company with C. M. Lampson & Company that the sealskin industry received the impetus which has built it up to its present condition.[3] At the same time the methods of dyeing and dressing the skins were perfected through the same agency, and sealskins made an article of fashion in general use in Europe and America, and became much more valuable as merchandise.[4] Markets.

IN THE PRESENT.

As a result of these endeavors and the increased prices, London has become practically the sole market in which the skins of the fur-seal are sold, and buyers gather there semiannually from from different countries to purchase the skins,[5] which, to the number of one hundred and fifty thousand or more, are sold at public auction.[6]

[1] Walter E. Martin, Vol. II, p. 567.

[2] Letter to the Board of Administration of the Russian American Company from the chief manager of the Russian American Colonies, dated November 8 (20), 1851, Vol. I, p. 83.

[3] Emil Teichmann, Vol. II, p. 582.

[4] C. A. Williams, Vol. II, p. 546.

[5] *Ibid.*, Vol. II, p. 546; G. C. Lampson, Vol. II, p. 564.

[6] H. S. Bevington, Vol. II, p. 552.

Sources of supply.

The principal sources of supply for seal skins at the present time are, first, the Pribilof Islands; second, the Commander Islands; third, the Northwest or Victoria catch.[1] A small supply is also received from Lobos Islands, Cape Horn, the Falklands,[2] and Australasia.[3]

Dependence on Alaskan herd.

The tables attached to the affidavit of Mr. Emil Teichmann, of the firm of C. M. Lampson & Company, show that the Pribilof Islands have, since their lease to the Alaska Commercial Company, and until the year 1890, supplied on an average over one-half of the skins sold annually in London; that, including the Northwest catch, the Alaskan herd has produced over sixty per cent of the world's supply, and that the two great herds of the North Pacific and Bering Sea, which are both threatened with extermination by pelagic sealing, are the source of over eighty per cent of the skins annually offered for sale at London. In 1889, the last year in which one hundred thousand seals were taken on the Pribilof Islands, the number of skins derived from these two herds was ninety-four per cent of the whole supply, not twelve thousand skins being obtained from other sources.[4] From the foregoing it is evident that the destruction of the

[1] Emil Teichmann, Vol. II, p. 579.
[2] H. S. Bevington, Vol. II, p. 551.
[3] Emil Teichmann, Vol. II, p. 578.
[4] Emil Teichmann, Vol. II, p. 585.

Alaskan herd means practically the annihilation of the seal-skin industry of the world. Therefore, the extent and value of this industry, the consequent loss in case pelagic sealing is not prohibited, besides the loss to the United States Government by destruction of the seal herd, are matters for consideration in this connection.

Dependence on Alaskan herd.

LOSS IF HERD DESTROYED.

Under the present lease of the Pribilof Islands the United States Government derives a revenue on each raw skin taken on the islands of over ten dollars;[1] and under the same conditions which existed prior to the introduction of pelagic sealing, as it is now carried on, 100,000 seals could be annually taken upon the Pribilof Islands, as has been shown, without impairment of the seal herd.[2] The annual revenue from this source to the United States would, therefore, be over $1,000,000. Besides this profit the United States Government received a further revenue from Alaskan seals reshipped to America from England. At least seventy per cent of the Alaska skins are imported into the United States after being dressed and dyed in the city of London.

Loss to United States.

[1] Lease to North American Commercial Company, Vol. I, p. 106.
[2] *Ante*, p. 164.

Loss to United States.

C. M. Lampson & Company, in a letter to the British Foreign Office dated December 30, 1890, state: "For many years past no less than 75 per cent have been bought for American account and reshipped to the United States after having been manufactured in London."[2] This statement is corroborated by seven of the principal fur merchants in the United States, who place the number of "Alaskas" imported at from 65,000 to 75,000.[2] The value of these skins before paying custom duty to the United States is shown to average for a series of years about $25 per skin.[2] On these importations the Government of the United States received a duty of 20 per cent advalorem, or an annual revenue from duties on dressed and dyed Alaskan skins amounting to the sum of $375,000, which makes the total annuity of the United States Government, derived from the Alaskan seal herd, at least $1,375,000, provided the usual quota of skins are taken by the lessees of the Pribilof Islands. In the United States these imported dressed and dyed skins are remodeled and manufactured into seal-skin articles, for which the people so employed receive on an average $7 a skin, or for the 70,000 skins so

[1] British Blue Book, U. S. No. 1 (1891), C–6253, p. 11.
[2] Statement of American industry by furriers, Vol. II, p. 526.

imported annually the sum of $490,000.[1] When to this is added the profits to the wholesale and retail furriers and merchants engaged in the seal-skin industries in the United States, which, according to the American furriers quoted above, are about $30 a skin, or on the 70,000 skins annually imported $2,100,000,[1] the total amount received each year in the United States from the manufacture and sale of Alaska skins aggregates $2,590,000. The average price per skin for "Alaskas" in the London market for the last ten years, when the lease to the Alaska Commercial Company was in force (1880–1889) and when 100,000 seals were taken annually, was 68*s.* 8*d.*[2] or (allowing 24.3 cents to the shilling) about $16.50. The present lessees, under a normal condition of affairs, might expect a similar price. In procuring the skins they pay the United States $9.62½ on each secured, and the $60,000 rent adds 60 cents more on each skin; allowing $3 per skin for wages of employés, transportation, etc., the cost of a raw Alaska skin delivered in London would be about $13.25, which selling at the average price of $16.50 would make a profit to the lessees of the islands of $3.25 per

Loss to United States.

[1] Statement of American industry by furriers, Vol. II, p. 526.
[2] Tables of prices prepared by Mr. A. Fraser, Vol. II, p. 561.

Loss to United States.

skin, and on 100,000 skins the profits would be $325,000. The natives who drive and kill the seals on the Pribilof Islands also receive 40 cents for each skin, or for 100,000 the sum of $40,000. Therefore the destruction of the Alaska seal herd would mean an annual loss to the Government and people of the United States of $4,330,000.

Loss to Great Britain.

The sealskin industry in Great Britain, which, as has been shown, is entirely dependent upon the Alaska seal herd for its existence, has alone in the city of London invested capital to the amount of £1,000,000,[1] and employs between two[2] and three thousand[3] persons, many of whom are skilled workmen with families dependent on them,[4] who would be compelled to learn some other trade in case the industry was destroyed. The fur brokers in London up to 1889 received 6 per cent of the price for which they sold the sealskins,[5] which on 100,000 Alaska skins, at $16 per skin, would amount to $96,000. The next expense put upon the skins is dressing and dyeing them, which is about 16*s.* a skin,[5] making in

[1] Emil Teichmann, Vol. II, p. 582; George C. Lampson, Vol. II, p. 565.

[2] Emil Teichmann, Vol. II, p. 582; Walter E. Martin, Vol. II, p. 568; G. C. Lampson, Vol. II, p. 565; George Rice, Vol. II, p. 574; Arthur Hirschel, Vol. II, p. 563.

[3] Henry Poland, Vol. II, p. 571; H. S. Bevington, Vol. II, p. 552.

[4] Henry Poland, Vol. II, p. 571; Walter E. Martin, Vol. II, p. 568; G. C. Lampson, Vol. II, p. 565; George Rice, Vol. II, p. 573.

[5] H. S. Bevington, Vol. II, p. 553.

all for the 100,000 the sum of $368,000. This makes an annual loss to Great Britain, in case the Alaskan herd is commercially exterminated, of $464,000; but this is only a partial statement of the actual damage sustained, for the deprivation of eight-tenths of the seal-skin supply must necessarily reduce the industry in Great Britain to a condition which will lead capital to abandon it; and a permanent plant valued at £80,000 would become entirely useless if the seal-skin industry were to come to an end.[1]

Loss to Great Britain.

The French Republic will also suffer a serious loss from the destruction of this valuable herd of fur-bearing animals, on which the sealskin industry so largely depends. The Paris firm of Révillon Frères has alone in the last twenty years bought upwards of 400,000 sealskins, the majority of which have been made up into garments by said firm, the sales of which have amounted to about 4,000,000 francs annually for the period of twenty years. This firm employs about three hundred persons, who are skilled laborers, and who would be thrown out of employment by the withdrawal of the supply of skins furnished by the Alaskan herd; and it is safe to say from five to six hundred persons are dependent upon the sealskin industry in France.[2] If the 20,000

Loss to France.

[1] Arthur Hirschel, Vol. II, p. 563.
[2] Leon Révillon, Vol. II, p. 590.

Loss to France.

skins annually purchased by this firm cost $25 per skin in London,[1] the total cost would be about 2,500,000 francs; and the annual loss to France through this firm's business being affected by the destruction of the Alaskan seal herd would be about 1,500,000 francs; as there are other fur companies in France also dealing in sealskins the loss would undoubtedly be much more than the figures given.

Loss to the world.

Simply relying, however, upon the actual loss sustained, as hereinbefore demonstrated, and adding the $3.00 per skin allowed as expenses paid the employés of the lessees of the Pribolof Islands, transportation, etc., amounting on 100,000 skins to $300,000, the total annual loss to the world from the destruction of this great seal herd would amount to over $5,000,000. Besides this a large number of persons employed by furriers and fur houses would be thrown out of employment, and the three hundred natives of the Pribilof Islands would be deprived of their sole means of sustenance, and become a charge upon the United States Government.

Need of regular supply of skins.

It is the further testimony of all those engaged in the sealskin business that in order to maintain the industry it is necessary that the supply

[1] Statement of American furriers, Vol. II, p. 526.

of skins should be constant and regular,[1] otherwise there is great danger of loss to the buyers or sellers through fluctuation in prices, and the business of buying and selling becomes speculative. That this has been the result upon the market, through pelagic sealing in the last few years, is clearly shown by Mr. H. S. Bevington,[2] and his statement is supported by the American furriers and others engaged in the fur trade.[3] It is therefore evident that even in case open-sea sealing could be carried on without insuring the destruction of the herd, the results would demoralize and practically ruin the sealskin industry, now so firmly established.

Need of regular supply of skins.

INVESTMENTS.

Having reviewed the general loss to the world by the destruction of the Alaskan seal herd, it should now be compared with the Canadian industry in the pelagic sealing fleet, which would necessarily be abandoned in case open-sea hunting is prohibited. According to the Canadian Fishery Reports for 1890, the total valuation of the twenty-nine vessels engaged in sealing,

Canadian investment, in 1890.

[1] Walter E. Martin, Vol. II, p. 568; Emil Teichmann, Vol. II, p. 582; G. C. Lampson, Vol. II, p. 566.

[2] Vol. II, p. 553.

[3] Statement made by American furriers. (See affidavits of S. Ullmann, Vol. II, p. 527; Alfred Harris, Vol. II, p. 529; Henry Treadwell, Vol. II, p. 529; and Hugo Jaeckel, Vol. II, p. 531, attached.)

Canadian investment, in 1890.

inclusive of canoes and boats, was $265,985.[1] By this valuation the value per ton, exclusive of outfit, is $121.54, which is undoubtedly excessive. Mr. T. T. Williams, who made a careful examination into the Canadian sealing industry in 1889, on behalf of the Alaska Commercial Company preparatory to the said Company's bidding for a new lease of the Pribilof Islands in 1890, states that it costs to build these sealing vessels and outfit them in Victoria $80 per ton, and in the United States $100.[2] An examination of the Canadian Fisheries Reports for the years 1887 and 1890 shows that twelve of the twenty-nine vessels engaged in sealing from Victoria in 1890 were so engaged in 1887, and that some of them were very old and of very little value. Thus, the *Mary Taylor* and *Mary Ellen* have both been built thirty-five years; the *Lilly* has seen forty-six years' service; the *Black Diamond* (called the *Catherine* in 1890), *Juniata*, *Wanderer*, *Letitia*, and *Mountain Chief* are all unseaworthy and have been taken out of the coast trade as being unsafe.[3] A. R. Milne, esq., collector of the port of Victoria, reported to the Dominion Government that the total value of the fleet of twenty-four vessels, with an

[1] Canadian Fisheries Report (1890), p. 183.
[2] Vol. II, p. 500.
[3] T. T. Williams, Vol. II, p. 500.

aggregate tonnage of 1,464 tons, in 1889 was $200,500,[1] or $83.50 per ton, which is $38.04 per ton less than the valuation given in 1890. It is difficult to see how the wear and tear on a vessel can appreciate its value, but such seems to be the case with the Victoria sealing fleet, according to the reports of Canadian officials.

Canadian investment, in 1890.

But admitting the Canadian valuation to be correct, the British capital (£1,000,000) invested in the sealskin industry, which latter must be abandoned if pelagic sealing continues, exceeds the investment of Canada by over $4,600,000; in other words, the Canadian capital invested is less than 6 per cent of the British investment.

Contrast between British and Canadian investments in 1890.

The value of the Victoria fleet of forty-nine vessels and outfit in 1891 is given by the Canadian Fisheries Report for that year as $425,150, which is also excessive.[2] According to the Canadian valuation of 1890 the average value per ton for the fleet, including outfit, is $130.20; in 1891 the same authority gives the valuation per ton for vessels and outfit as $132.73, or $2.53 per ton over and above the inflated valuation of 1890. Levi W. Myers, esq., United States consul at Victoria, had a careful estimate made of the value of the vessels engaged in the sealing business in Victoria, by two experts, both resi-

Canadian investment, in 1891.

[1] T. T. Williams, Vol. II, p. 499–500.

[2] Canadian Fisheries Report (1891) p. LXXXV.

Canadian investment, in 1891.

dents of Victoria, and one especially, Mr. W. J. Stevens, being recognized as authority on such matters, often having been employed by the Dominion Government in examining and reporting on vessels.[1] According to such estimate the value of the vessels in 1891 was $203,200. Consul Myers also obtained from the custom-house records at Victoria the approximate age of the vessels, which shows that seven of them are "very old," two are "old," and thirty-three have seen over six years of service.[2] In consideration of this last fact stated, it is evident that the Canadian valuation is far above the true figure.

Contrast between British and Canadian investments in 1891.

However, assuming the value of the fleet of 1891 as given in the Canadian reports to be accurate, namely, $425,150, the Canadian capital is even then less than 12 per cent of the British investment in the sealskin industry; and Great Britain, through the necessary abandonment of her permanent plant used in the industry, would lose more in this item alone than the entire Canadian investment.

Employés in Canada and London.

According to the same sources of information, Canada employed in 1890, 678 white men and Indians in seal hunting,[3] and in 1891, 439 Indians

[1] Vol. I, p. 507.

[2] Consul Meyer's Report (No. 156), Vol, I, p. 511.

[3] Canadian Fisheries Report (1890), p. 183.

and 643 whites.[1] In London, as has been shown, from two to three thousand persons are employed in the sealskin industry; it is safe, therefore, to say that nearly three times as many people are dependent upon the sealskin industry in London alone as are employed in the pelagic sealhunting business in Canada. The average wages per week paid to those employed in the British industry are about 30*s.*,[2] or £190,000 ($947,700) per annum to the 2,500 employés. According to the Canadian Report for 1890, above cited, the gross receipts derived from the sealskins taken by the Victoria fleet were $492,261, the catch being sold at inflated prices because of the small number of skins obtained on the Pribilof Islands, the average price per skin in 1889, for the Northwest catch, in London, being only 39*s.* 5*d.*[3] ($9.58). It is evident, therefore, that the annual gross receipts of Canada from pelagic sealing are only about half of the sum annually paid out for wages by London houses engaged in the sealskin industry.

Employés in Canada and London.

In comparing the Canadian venture with the United States industry the contrast is even more striking. It has already been shown that the furriers, manufacturers, and merchants of the

Value to Canada and United States.

[1] *Ibid.* (1891), p. LXXXV.

[2] Emil Teichmann, Vol. II, p. 582; W. E. Martin, Vol. II, p. 568.

[3] Alfred Fraser, Vol. II, p. 562.

Value to Canada and United States.

United States realize annually on Alaskan skins consumed in the United States the sum of $2,100,000; the aggregate amount annually paid as wages to those employed in the American manufactories to be $490,000; the receipts of the Pribilof Islands natives to be $40,000 annually; and the profits of the lessees of said islands, when 100,000 skins are taken, to be $325,000. The gross amount thus received by citizens of the United States each year from the Alaskan catch is about $3,000,000. The value of the Victoria pelagic catch for 1891 has not been published in the Canadian Fisheries Reports, but assuming the value of the Victoria pelagic catch to be $492,261, as given by the Canadian report for 1890, which has been shown to be abnormal, the gross Canadian receipts per annum from the sealing fleet are less than 16½ per cent of the total profits to the citizens of the United States from the Alaskan catch. If the annual receipts to the United States Government be also included, the gross sum received by Canada from her sealskin catch is 11½ per cent of the annual profits to the Government and people of the United States on "Alaska" sealskins.

Employés in Canada and United States.

The number of persons employed in the manufacture of sealskins in the United States is

3,360,[1] which is over three times as many as were engaged in the Victoria sealing industry in 1891, according to the Canadian officials, and five times as many as were so engaged in 1890. Employés in Canada and United States.

The receipts of France from her sealskin industry has been shown to be over $300,000 (1,500,000 francs), which is at least 66 per cent of the gross receipts of Canada from pelagic sealing in a year when the prices of Northwest skins were abnormal. Under natural conditions, as in 1888 or 1890, the French receipts from her industry would more than equal the gross receipts of Canada from the sealing fleet's catch. The number of men also employed in France is about the same in number as those employed in pelagic sealing in Canada in 1890. Contrast between French and Canadian investments.

The number of persons engaged in the handling and manufacture of sealskins in the United States, England, and France is, therefore, about 6,400, or over nine times as many as are reported to have been engaged in pelagic sealing in 1890 in Canada, and about six and a half times as many as were so engaged in 1891. Employés in Canada and in other countries.

It is very questionable, however, whether there is any real investment in Canada in pelagic sealing. The vessels are all common vessels, the guns common guns, and the boats common Canadian investment questionable.

[1] Statement of furriers, Vol. II, p. 586.

Canadian investment questionable.

boats, which can all be used in some other industry,[1] excepting, perhaps, the old and unseaworthy vessels.

Pelagic sealing a speculation.

But admitting the validity of the investment, it can be questioned whether those embarking therein as a rule pay the expenses incurred out of the sum realized on the catch. An examination of the table of sealing vessels and their respective catches, as given by the Canadian Fishery Reports, shows that the number of seals taken by a vessel varies to a great extent. Thus in 1889 several vessels took less than three hundred seals each; one schooner, with a crew of twenty-nine men, took but one hundred and sixty-four seals, while another, with a crew of twenty-two men, took over three thousand.[2] In 1890 the same variation may be seen.[3] In 1889 the average selling price of skins in Victoria was $7.65.[4] On the catch of one hundred and sixty-four seals, therefore, the total received would be $1,254.60, of which at least $400 would have to be paid to the hunters, leaving $854.60 to pay the entire expense of the voyage of at least four months. If the men were paid $30 a month on an average, the cost of the

[1] T. T. Williams, Vol. II, p. 500.
[2] Canadian Fisheries Report, 1889, p. 253.
[3] *Ibid.*, 1890, p. 183.
[4] T. T. Williams, Vol. II, p. 499.

cruise, outside the expense of outfitting, would be at least $3,000. The loss, therefore, to the owner or charterer of the vessel would be certainly $2,000 on his investment. If one thousand seals were taken, it is also evident that there would be a very close margin on the recovery of the money expended, and the investor would probably lose or certainly not receive one per cent on the capital invested.[1] It is, therefore, the possibility of a large catch which leads persons to venture their money in pelagic sealing, and the business is a speculation of the most uncertain character. Those engaged in the industry also find the possibility of a small supply of skins from all sources to be a fertile field for speculation, the price per skin being advanced as the number of skins on the market diminishes. It may be said, therefore, that the interests of the pelagic sealing speculators is to deplete the herd and thereby increase prices, unmindful of the ultimate result, which is sure to be the extermination of the Alaskan fur-seal. This phase of the speculation is referred to in a letter from the British Colonial Office to Sir Charles Tupper, dated June 13, 1891, which reads as follows: "That as the total cessation of sealing in Bering Sea will greatly enhance the

Pelagic sealing a speculation.

Speculating on small supply of skins.

[1] T. T. Williams, Vol. II, p. 501.

Speculating on small supply of skins.

value of the produce of the coast fishery, Her Majesty's Government do not anticipate that British sealers will suffer to any great extent by exclusion from Bering Sea."[1] This statement also met with the views of Lord Salisbury.[2] The cessation of sealing and the decrease of the seal herd would bring about the same result, an increase in the price of sealskins. It is more profitable, therefore, for those interested in the sealing venture to have prices raised even if the seal herd is depleted, for they will thereby derive larger returns from the investment. Very few of the owners or part owners of the Victoria sealing fleet are dependent upon pelagic sealing for a livelihood, so that it is not particularly to their interest to preserve the herd, their principal object being to get large profits, whatever may be the result.

Occupations of vessel owners.

Consul Myers, in a report to the State Department, gives the occupation of seventy-one owners or part owners of sealing vessels hailing from the port of Victoria. Of these only fourteen may be said to be dependent on sealing, and twelve others who are employed in maritime enterprises. The remainder are composed of individuals engaged in various pursuits. Among the list may

[1] British Blue Book, U. S. No. 3 (1892), C–6635, p. 29.
[2] *Ibid.*, No. 30, p. 16.

be found several public officials, seven grocers, a druggist, an auctioneer, a farmer, three saloon keepers, a plasterer, an insurance agent, two iron founders, three real estate agents, a carriage manufacturer, a tanner, two women, a machinist, and others of different pursuits.[1] It is evident that the people who undertake this venture are as varied in their occupations as the purchasers of lottery tickets, and the same spirit which induces persons to risk their money in the latter has persuaded them to take their chances in the sealing business. Occupations of vessel owners.

Under the present state of affairs the increase of the sealing fleet, the decrease of the seal herd, and its certain extinction in a few years if pelagic sealing is continued, the insignificant investment of Canada for a few years compared with the sealskin industry of the world for an indefinite future seems infinitesimal and unworthy of notice in considering, from an economic point of view, the advisability of protecting and preserving the world's chief supply of fur-seal skins. Prohibition of pelagic sealing means the employment of thousands of people in England and the United States for generations, and the investment of millions of capital. Results of protecting seal herd.

Nonprohibition means the employment of a few hundred persons for four or five years, the Results if not protected.

[1] Report of U. S. Consul L. W. Myers, April 29, 1892, Vol. I, p. 514.

Results if not protected.

investment of one or two hundred thousand dollars in a speculative and losing business, and the final destruction of the Alaskan seal herd, a never-ending source of wealth to the world, if properly protected and preserved.

CLAIM OF THE UNITED STATES FOR DAMAGES.

Article V of renewal of *Modus Vivendi*.

Article V of the Convention of April 18, 1892, for the renewal of the *Modus Vivendi* in Bering Sea, provides that "if the result of the Arbitration shall be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens, and lessees) for this agreement to limit the island catch to seven thousand five hundred a season, upon the basis of the difference between this number and such larger catch as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal herds."

Classification of damages.

Any damages to which the United States may become entitled under this Convention must be by way of compensation, first, to the Government for the loss of revenue sustained through the diminution of the number of seals caught; and, second, to the North American Commercial Company for the loss of profits incurred through the same cause.

I. *The Claim of the Government.*—By the lease made in 1890, the North American Commercial Company agreed to pay to the Government for the exclusive right to catch seals in the Pribilof Islands an annual rent of $60,000, the legal tax of $2 for each seal caught, and a bonus on each seal of $7.62½. Owing to the fact that the catch during 1891 was so restricted by Treasury Regulations, connected with the *Modus Vivendi* of last year, as to amount to only 13,482 seals instead of the 100,000 seals prescribed by statute, the Secretary of the Treasury agreed on June 27, 1892,[1] to accept from the lessees for the year ending April 1, 1892, in lieu of the above rents and taxes, the following sums, viz: Government claim.

Tax on 13,482 seals, at $2	$26,964.00
Rental $\left(\frac{13,482}{100,000} \times \$60,000\right)$	8,089.20
Bonus on 12,251 good skins $\left(\frac{12,251}{100,000} \times \$7.62\frac{1}{2}\right) \times 12,251$	11,444.13
Total	46,497.33

It will be observed that in the above computation, the first item, viz, the tax, remains the same as before. The second item, viz, the rental, which in the lease is $60,000, is reduced in the proportion which the actual catch of 13,482 bears to the maximum catch of 100,000. The third,

[1] Letter, Vol. I, p. 521.

Government claim.

viz, the bonus per sealskin, has been reduced on the same principle.

Government and lessees.

No definite arrangement has as yet been made between the Treasury and the lessees as to the amount to be paid by the latter for their franchises for the current year, but if, as is almost certain, the above-mentioned arrangement will be continued, then the loss sustained by the Government, for which it is entitled to indemnity from the Arbitrators, can be estimated by substituting for the number 13,482 in the above computation, such a number as the Arbitrators shall find might safely have been taken in excess of the 7,500 provided for in the Convention.

Basis of computation of damages to Government.

For example, if it is determined that 40,000 seals might have been taken over and above the 7,500, then the Government will be entitled to an indemnity of $226,000, obtained as follows:

Tax on 40,000 seals, at $2	$80,000
Rental $\left(\frac{40,000}{100,000} \times \$60,000\right)$	24,000
Bonus $\left(\frac{40,000}{100,000} \times \$7.62\frac{1}{2}\right) \times 40,000$	122,000
Total	226,000

The Government is entitled to damages in this amount because this sum represents the excess which it would receive from the lessees if the catch, instead of being limited to 7,500 were limited to the number of seals which could be

taken without an undue diminution of the seal herd, provided the Arbitrators found that number to be 47,500. If they actually determine upon a different number, then the result given above, by way of illustration, must be increased or diminished accordingly

Basis of computation of damages to Government.

II. *The Claim of the Lessees.*—Under the Convention of April 18, 1892, the North American Commercial Company are entitled, as the lessees of the Government, to such an indemnity as shall compensate them for the loss of profits incurred through the forced diminution in the catch of seals. When the Arbitrators have determined the number of seals which might safely have been taken during the present season over and above the 7,500 allowed by the Convention, it will be for them to determine next the amount of profit which the lessees would probably have derived from this increased catch over and above that which will be actually realized from the catch of 7,500 prescribed by the Convention. The balance of profits so obtained will constitute the sum to which the lessees are entitled as an indemnity under the section of the Convention above cited.

The lessees' claim.

In determining the amount of profit obtained from each seal, some information may be derived

Basis of computation of lessees' damages.

Basis of computation of lessees' damages.

from a claim for damages which the lessees have filed in the United States Treasury Department, for the years 1890 and 1891, a copy of which is found in the Appendix.[1] It may be added that this claim was adjusted on June 27, 1892,[2] by the remission by the Treasury Department, as stated above, of the greater part of the rental and bonus due for the year 1891 under the lease. As the high prices for sealskins in the London market in 1890 and 1891 still continue, the estimate of profits in the above-mentioned claim would probably be as correct at the present time as in the years for which they were made.[3]

Determination of possible catch.

The Arbitrators will derive aid in determining how large a catch might have safely been made during the present season by reference to the following affidavits, viz, those on pages 73, 93, and 111, in Vol. II of Appendix.

Opinion of Sir George Baden-Powell.

It is important to observe also the language of Sir George Baden-Powell, one of the Commissioners sent by Great Britain in 1891 to examine into the condition of the seal industry. In his dispatch of March 9, 1892, to Lord Salisbury, he said: "With reference to the *modus*

[1] North American Commercial Company to the Secretary of the Treasury, April 12, 1892, Vol. I, p 520.

[2] The Secretary of the Treasury to North American Commercial Company, June, 27, 1892, Vol. I, p. 521.

[3] The price of a sealskin in London in 1890 rose as high as 146*s*., and in 1891 as high as 125*s*. See Alfred Fraser, Vol. II, p. 561.

vivendi, I am of the opinion that the taking of one season's limited crop can not injure the seal herd, but although not necessary the renewal of last year's prohibition and the 7,500 limitation would be beneficial." He then suggests the arrangement afterwards adopted, viz, that 7,500 "instead of 30,000" be taken on the islands, evidently employing the latter number, viz, 30,000, to designate the quantity of seals which might safely be taken by the United States, which is the same number as that suggested by Sir Julian Pauncefote in his letter to Mr. Blaine of February 29, 1892.[1] In view of these circumstances, it is submitted that 30,000 seals is the minimum number which the Arbitrators can reasonably assign as a safe catch during the present season.

Opinion of Sir George Baden-Powell.

[1] British Blue Book, U. S. No. 3 (1892), C-6635, p. 155.

CONCLUSION.

CONCLUSION.

The United States, upon the evidence herewith submitted and referred to, claim that the following propositions of fact have been fully established:

Characteristics of the Alaskan herd.

First. That the Alaskan fur-seal, begotten, born, and reared on the Pribilof Islands, within the territory of the United States, is essentially a land animal, which resorts to the water only for food and to avoid the rigor of winter, and can not propagate its species or live except in a fixed home upon land of a peculiar and unusual formation, suitable climate and surroundings, a residence of several months on shore being necessary for propagation; that it is domestic in its habits and readily controlled by man while on the land; that it is an animal of great value to the United States and to mankind, is the principal source from which the world's supply of fur-seal skins is derived, and is the basis of an industry and commerce very important to the United States and to Great Britain; that the only home of the Alaskan seal herd is on the Pribilof Islands; that it resorts to no other land;

Characteristics of the Alaskan herd.

that its course when absent from these islands is uniform and confined principally to waters adjacent to the coast of the United States; that it never mingles with any other herd, and if driven from these islands would probably perish; that at all times, when in the water, the identity of each individual can be established with certainty, and that at all times, whether during its short excursions from the islands in search of food or its longer winter migration, it has a fixed intention, or instinct, which induces it to return thereto.

Increase.

Second. That under the judicious legislation and management of the United States, this seal herd increased in numbers and in value; that the present existence of the herd is due wholly to the care and protection exercised by the United States and by Russia, the former owner of these islands; but that the killing of seals in the water, which is necessarily indiscriminate and wasteful, and whereby mostly female seals are taken while pregnant or nursing, has so reduced the birth-rate that this herd is now rapidly decreasing in numbers; that this decrease began with the increase of such pelagic sealing, and that the extermination of this seal herd will certainly take place in the near future, as it already has with other herds, unless such slaughter be discontinued.

Decrease.

Third. That pelagic sealing is an illegitimate, improper, and wasteful method of killing, is barbarous and inhuman in its immense destruction of the pregnant and nursing female, and of the helpless young thereby left to perish; that it is wholly destructive of the seal property and of the industries and commerce founded upon it; and that the only way in which these can be preserved to the world and to the governments to which they belong is by prohibiting pelagic sealing in the waters frequented by the herd. Pelagic sealing.

Fourth. That prior to the treaty of 1825 between Great Britain and Russia, and from a date as early as 1799, down to the cession to the United States in 1867, Russia prohibited the killing of seals in any of the waters of Bering Sea, and exercised such control therein as was necessary to enforce such prohibition. Russian control in Bering Sea.

Fifth. That Bering Sea was not included in the phrase "Pacific Ocean" as used in the treaty of 1825, and that said treaty recognized the rightfulness of the control exercised by Russia in Bering Sea for the protection of the seals. Bering Sea not Pacific Ocean.

Sixth. That all the rights of Russia as to the protection of the Alaskan seal herd passed unimpaired to the United States by the treaty of 1867, and that since the cession, the United States have regulated by law and by govern- United States control.

United States control.

mental supervision the killing of seals upon the Pribilof Islands, have prohibited such killing in any of the waters of Bering Sea within the limits of the cession, and up to the present time have insisted upon their right to enforce such prohibition, but, moved by apprehensions of a disturbance of the peace between themselves and Great Britain by the opposition of the latter, they ceased to some extent to enforce it.

Acquiescence of Great Britain.

Seventh. That Great Britain acquiesced in the exercise of this right by Russia in Bering Sea and in the continued exercise of the same right by the United States up to the year 1886.

Right of control unquestioned.

Eighth. That this right and the necessity and duty of such prohibition have never been questioned, until the excessive slaughter of these animals, now complained of, was commenced by individual adventurers about the year 1885.

Investments contrasted.

Ninth. That the investment of these adventurers in pelagic sealing is speculative, generally unprofitable, and, when compared with the sealskin industry of Great Britain, France, and the United States, which is dependent upon this seal herd, very insignificant; and that the profits, if any, resulting from pelagic sealing are out of all proportion to the destruction that it produces.

Questions for Tribunal.

Upon the foregoing propositions, if they shall be found to be established, the material questions for the determination of this high Tribunal would appear to be:

Must United States submit to destruction of herd?

First. Whether individuals, not subjects of the United States, have a right as against that Government and to which it must submit, to engage in the devastation complained of, which it forbids to its own citizens, and which must result in the speedy destruction of the entire property, industry, and interests involved in the preservation of this seal herd.

Should not international regulations be made?

Second. If any such right can be discovered, which the United States confidently deny, whether the United States and Great Britain ought not in justice to each other, in sound policy, for the common interest of mankind, and in the exercise of the humanity which all civilized nations accord to wild creatures, harmless and valuable, to enter into such reasonable arrangement by concurrent regulations or convention, in which the participation of other Governments may be properly invited, to prevent the extermination of this seal herd, and to preserve it for themselves and for the benefit of the world.

Claim of United States.

Upon the first of the questions thus stated the United States Government will claim:

Property in and right to protect.

First. That, in view of the facts and circumstances established by the evidence, it has such a property in the Alaskan seal herd as the natural product of its soil, made chiefly available by its protection and expenditure, highly valuable to its people and a considerable source of revenue, as entitles it to preserve the herd from destruction, in the manner complained of, by an employment of such reasonable force as may be necessary.

Such interest as justifies protection.

Second. That, irrespective of the distinct right of property in this seal herd, the United States Government has for itself, and for for its people, an interest, an industry, and a commerce derived from the legitimate and proper use of the produce of the seal herd on its territory, which it is entitled, upon all principles applicable to the case, to protect against wanton destruction by individuals for the sake of the small and casual profits in that way to be gained; and that no part of the high sea is, or ought to be, open to individuals for the purpose of accomplishing the destruction of national interests of such a character and importance.

As trustee, right and duty to protect.

Third. That the United States, possessing, as they alone possess, the power of preserving and cherishing this valuable interest, are in a most just sense the trustee thereof for the benefit of

mankind and should be permitted to discharge their trust without hindrance.

As trustee, right and duty to protect.

In respect to the second question heretofore stated, it will be claimed by the United States, that the extermination of this seal herd can only be prevented by the practical prohibition of pelagic sealing in all the waters to which it resorts.

Pelagic sealing must be prohibited.

The United States Government defers argument in support of the propositions above announced until a later stage of these proceedings.

Argument deferred.

In respect to the jurisdiction conferred by the treaty, it conceives it to be within the province of this high Tribunal to sanction by its decision any course of executive conduct in respect to the subject in dispute, which either nation would, in the judgment of this Tribunal, be deemed justified in adopting, under the circumstances of the case; or to prescribe for the high contracting parties any agreement or regulations in respect to it, which in equity, justice, humanity, and enlightened policy the case appears to require.

Tribunal may sanction conduct of United States, or prescribe regulations.

In conclusion the United States invoke the judgment of this high Tribunal to the effect:

Prayer for decision.

First. That prior and up to the time of the cession of Alaska to the United States Russia

Russia exercised exclusive right in Bering Sea.

Russia exercised exclusive right in Bering Sea.

asserted and exercised an exclusive right to the seal fisheries in the waters of Bering Sea, and also asserted and exercised throughout that sea the right to prevent by the employment, when necessary, of reasonable force any invasion of such exclusive right.

Great Britain assented.

That Great Britain, not having at any time resisted or objected to such assertions of exclusive right, or to such exercise of power, is to be deemed as having recognized and assented to the same.

Bering Sea not "Pacific Ocean."

That the body of water now known as Bering Sea was not included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia, and that after said treaty, and down to the time of the cession to the United States, Russia continued to assert the same exclusive rights and to exercise the same exclusive power and authority as above mentioned.

Rights of Russia passed to United States.

That all the rights of Russia in respect to the seal fisheries in Bering Sea east of the water boundary established by the treaty of March 30, 1867, between that nation and the United States, and all the power and authority possessed and asserted by Russia to protect said rights passed unimpaired to the United States under the treaty last mentioned.

That the United States have such a property and interest in the Alaskan seal herd as to justify the employment by that nation, upon the high seas, of such means as are reasonably necessary to prevent the destruction of such herd, and to secure the possession and benefit of the same to the United States; and that all the acts and proceedings of the United States done and had for the purpose of protecting such property and interest were justifiable and stand justified; and that compensation should, in pursuance of Article V of the Convention of April 18, 1892, be made to the United States by Great Britain by the payment by the latter of the aggregate sum hereinbefore stated as the amount of the losses of the United States, or such other sum as may be deemed by this high Tribunal to be just; or,

United States have property in and right to protect herd.

Damages.

Second. That should it be considered that the United States have not the full property or property interest asserted by them, it be then declared and decreed to be the international duty of Great Britain to concur with the United States in the adoption and enforcement against the citizens of either nation of such regulations, to be designed and prescribed by this high Tribunal, as will effectually prohibit and prevent the capture, anywhere upon the high seas, of any seals belonging to the said herd.

Or Great Britain and United States should concur in regulations.

REPORTS OF BERING SEA COMMISSION.

BERING SEA COMMISSION.

JOINT REPORT.

An agreement having been entered into between the Governments of the United States and Great Britain to the effect that—

"Each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Government all the facts having relation to seal life in Bering Sea, and the measures necessary for its proper protection and preservation. Provisions of treaty.

"The four Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

"These reports shall not be made public until they shall be submitted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators can not arise."

Report.

And we, in accordance with the above agreement, having been duly commissioned by our respective Governments and having communicated to each other our respective powers, found in good and due form, have agreed to the following report:

Sources of information.

1. The joint investigation has been carried out by us, and we have utilized all sources of information available.

2. The several breeding places on the Pribilof Islands have been examined, and the general management and method for taking the seals upon the islands have been investigated.

3. In regard to the distribution and habits of the fur-seal when seen at sea, information based on the observations recorded by the cruisers of the United States and Great Britain, engaged in carrying out the *modus vivendi* of 1891, has been exchanged for the purpose of enabling general conclusions to be arrived at on these points.

Meetings of Commission.

4. Meetings of the Joint Commission were held in Washington beginning on Monday, February 8, 1892, and continuing until Friday, March 4, 1892.

As a result of these meetings we find ourselves in accord on the following propositions:

Duty to protect seal herd.

5. We are in thorough agreement that for industrial as well as for other obvious reasons it is incumbent upon all nations, and particularly upon those having direct commercial interests in fur-seals, to provide for their proper protection and preservation.

Conclusions reached.

6. Our joint and several investigations have led us to certain conclusions, in the first place, in regard to the facts of seal life, including both the existing conditions and their causes; and in the second place, in regard to such remedies as may be necessary to secure the fur-seal against depletion or commercial extermination.

Decrease of seal herd.

7. We find that since the Alaska purchase a marked diminution in the number of seals on and habitually resorting to the Pribilof Islands has taken place; that it has been cumulative in effect, and that it is the result of excessive killing by man.

Further joint report impossible.

8. Finding that considerable difference of opinion exists on certain fundamental propositions, which renders it impossible, in a satisfactory manner, to express our views in a joint report, we have agreed that we can most conveniently state our respective conclusions on these matters in the "several reports" which it is provided may be submitted to our respective Governments.

Further joint report impossible.

Signed in duplicate at the city of Washington, this 4th day of March, 1892.

THOMAS CORWIN MENDENHALL.
CLINTON HART MERRIAM.
GEORGE SMYTH BADEN-POWELL.
GEORGE MERCER DAWSON.
JOSEPH STANLEY BROWN,
ASHLEY ANTHONY FROUDE,
Joint Secretaries.

REPORT OF THE UNITED STATES BERING SEA COMMISSIONERS.

The Honorable Secretary of State:

Appointment.

Sir: In your letter of July 10, 1891, received by us in San Francisco on the 16th, after referring to the diplomatic controversy pending between the United States and Great Britain in respect to the killing of fur-seals by British subjects and vessels, to the causes which led up to this controversy, and to some of the propositions which had at that date been mutually agreed upon, you inform us that the President has been pleased to appoint us to proceed to the Pribilof Islands and to make certain investigations of the facts relative to seal life with a view to ascertaining what permanent measures are necessary for the preservation of the fur-seal in Bering Sea and the North Pacific Ocean.

Appointment of British Commissioners.

You further inform us that in accordance with the provisions of the fourth clause of the *modus vivendi* agreed upon at Washington on the 15th of June, 1891, the Queen had appointed Sir George Baden-Powell, M.P., and Professor Daw-

Appointment of British Commissioners.

son[1] to visit the Pribilof Islands for the same purpose and as representing the British Government.

Object of Commission.

After explaining the use to which this information may in the end be put, namely, that it may be laid before arbitrators who would probably be selected to consider and adjust the differences between the two Governments, you add that the President proposed, in reference to the appointment of a Joint Commission, the agreement for which is to be made contemporaneously with the terms of arbitration, the following terms of agreement:

Provisions of agreement.

"Each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Government all the facts having relation to seal life in Bering Sea and the measures necessary for its proper protection and preservation. The four Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree. These reports shall not be made public until they shall be submitted to the Arbitrators or it shall appear that the contingency of their being used by the Arbitrators can not arise."

[1] Dr. George M. Dawson, Asst. Director, Geological Survey of Canada.

Conduct of investigation.

And further, that while it was desirable that our investigation should, even before the conclusion of a formal agreement as to the duties and functions of a Joint Commission, be made concurrently with those of the British agents, yet until the agreement for the Commission shall have been concluded we were not authorized to discuss with them the subject of a joint report or to make any interchange of views on the subject of permanent regulations for the preservation of the seal.

Proceed to Bering Sea.

In accordance with these instructions, we at once proceeded to Bering Sea on the Fish Commission steamer *Albatross*, Lieutenant-Commander Tanner, which had been placed at our disposal for the purpose.

Joint investigations.

We met the British Commissioners first at Unalaska, and afterwards at the Pribilof Islands. Several of the principal rookeries were visited in their company and our observations were made under similar circumstances and conditions.

Sources of information.

In addition to noting such facts as were clearly established by the physical aspect of the rookeries themselves we sought information and obtained much of value from those who have resided long upon the islands, including both Aleuts and whites, all engaged exclusively in the sealing industry. At San Francisco and at Unalaska on our way to the Pribilof Islands,

Sources of information.

and at Port Townsend, Tacoma, and elsewhere on our return, we availed ourselves of the testimony of any person whose connection with this industry was such as to render his statements of real value.

Return.

We returned to Washington before the 1st of October and were ready at any time after that to take up the discussion of the subject with the representatives of Her Majesty's Government.

Formal appointment.

The formal agreement to the creation of a Joint Commission had not been entered into, however, and it was not until the 4th of February, 1892, that we were formally designated as Commissioners on the part of the Government of the United States.

Arrangement as to meetings of Joint Commission.

We immediately called upon Sir George Baden-Powell and Dr. George M. Dawson, who had been similarly designated by the British Government, and who had come to Washington for the Conference, informing them of our readiness to begin the joint consideration and discussion of the subject at such a time as might suit their convenience. We also stated that as it was our understanding that the official existence of the Joint Commission depended upon the mutual agreement of the two Governments to the articles of arbitration, and as the articles had not yet been signed, only an informal conference

could be entered upon. It was believed, however, that quite as rapid progress could be made in this way as in any other. To this proposition the Commissioners on the part of Great Britain offered no objection at the time, but on the following day they informed us that they were unable to enter into a conference which was informal in its nature.

Arrangement as to meetings of Joint Commission.

Desiring to remove every obstacle in the way of the immediate consideration of this subject, the question of the formality of the Conference was waived on our side and the formal meetings of the Commissioners in Joint Conference began on the afternoon of February 11, at the Department of State.

Meetings of Joint Commission.

Mr. Joseph Stanley-Brown was selected as the secretary of the Joint Commission on the part of the United States, and Mr. Ashley Froude on the part of Great Britain. In determining the nature of the Conference it was agreed that in order to allow of the freest possible discussion and presentation of views, no formal record of the proceedings should be kept and that none but the four members of the Commission should be present during its deliberations. In further attempt to remove all restrictions upon the fullest expression of opinions during the Conference, it was agreed that in our several reports no refer-

Meetings held without formal records.

Meetings held without formal records.

ence to persons, as related to views or opinions expressed by members of the Commission during the Conference, should be made.

Meetings continued.

Meetings of the Joint Commission were held almost daily from the 11th of February until the 4th of March, on which day the joint report was signed and the Conference adjourned *sine die*.

Disagreement.

Early in the progress of the Conference it became evident that there were wide differences of opinion, not only as to conclusions, but also as to facts. It seems proper here to refer briefly to the attitude of the Commissioners on the part of the United States or to the standpoint from which they endeavored to consider the questions involved.

Article IX of treaty.

The instructions under which we acted are contained in Article IX of the Arbitration Convention, and, as far as relates to the nature of the inquiry, are as follows:

"Each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Government all the facts having relation to seal life in Bering Sea, and the measures necessary for its proper protection and preservation."

Application of Article IX.

This sentence appears to be simple in its character and entirely clear as to its meaning. The measures to be recommended were such as in

our judgment were necessary and sufficient to secure the proper protection and preservation of seal life. With questions of international rights, treaty provisions, commercial interests, or political relations we had nothing to do. It was our opinion that the considerations of the Joint Commission ought to have been restricted to this phase of the question, so clearly put forth in the agreement under which the Commission was organized, and so evidently the original intent of both Governments when the investigation was in contemplation.

Application of Article IX.

Had the preservation and perpetuation of seal life alone been considered, as was urged by us, there is little doubt that the joint report would have been of a much more satisfactory nature, and that it would have included much more than a mere reiteration of the now universally admitted fact that the number of seals on and frequenting the Pribilof Islands is now less than in former years, and that the hand of man is responsible for this diminution.

Result of such application.

That our own view of the nature of the task before us was not shared by our colleagues representing the other side was soon manifest, and it became clear that no sort of an agreement sufficiently comprehensive to be worthy of consideration and at the same time definite enough

Article IX interpreted differently by British Commissioners.

Article IX interpreted differently by British Commissioners.

to allow its consequences to be thought out, could be reached by the Joint Commission unless we were willing to surrender absolutely our opinions as to the effect of pelagic sealing on the life of the seal herd, which opinions were founded upon a careful and impartial study of the whole question, involving the results of our own observations and those of many others.

Disagreement as to application.

Under such circumstances the only course open to us was to decline to accede to any proposition which failed to offer a reasonable chance for the preservation and protection of seal life, or which, although apparently looking in the right direction, was, by reason of the vagueness and ambiguity of its terms, incapable of definite interpretation and generally uncertain as to meaning. In obedience to the requirements of the Arbitration Convention that "the four Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments," the final output of the Joint Commission assumed the form of the joint report submitted on March 4, it being found impossible in the end for the Commissioners to agree upon more than a single general proposition relating to the decadence of seal life on the Pribilof Islands. It therefore becomes necessary, in accordance with the further provision of said

Report of Joint Commission.

Necessity of a separate report.

Convention, for us to submit in this, our separate report, a tolerably full discussion of the whole question, as we view it from the standpoint referred to above as being the only method of treatment which insures entire independence of thought or permits a logical interpretation of the facts. Necessity of a separate report.

In order that this discussion may be more readily understood it is thought desirable to preface it by a brief account of the natural history of the fur-seal.

THE BERING SEA FUR-SEAL.

Callorhinus ursinus (Linnæus).

The carnivorous mammals are divided by naturalists into two principal groups, one comprising the terrestrial wolves, cats, weasels, and bears; the other, the amphibious eared-seals and walruses, and the aquatic seals. The second division (suborder Pinnipedia) is in turn sub-divided into three groups called families, namely, the eared-seals, comprising the sea-lions and sea-bears, or fur-seals (*Otariidæ*), the walruses (*Odobenidæ*), and the true seals (*Phocidæ*). The fur-seals and sea-lions form the connecting link between the terrestrial carnivores and the true seals, as recognized by all naturalists. The distinguished director of the British Museum, Pro- Divisions of mammals.

Professor Flower.

fessor Flower, says: "The fur-seals or sea-bears . . . form a transition from the Fissiped [terrestrial] Carnivora to the seals . . . When on land the hind feet are turned forward under the body, and aid in supporting and moving the trunk as in ordinary mammals . . . As might be inferred from their power of walking on all fours, they spend more of their time on shore, and range inland to greater distances, than the true seals, especially at the breeding time, though they are always obliged to return to the water to seek their food. They are gregarious and polygamous, and the males are usually much larger than the females."* He states further: "The resemblance between the skull and other parts of the body of the fur-seals and the Ursoid [*i. e.*, bear-like] Carnivora is suggestive of some genetic relationship between the two groups, and Professor Mivart expresses the opinion that the one group is the direct descendant of the other."

Distinction between fur-seals and hair seals.

All the fur-seals have conspicuous external ears, similar to those of most terrestrial mammals, except that they are folded lengthwise to keep out the water. The hair seals have no external ears. It may be added that

*Article Mammalia, in the Encyclopædia Britannica (1883, p. 412); and again in his most recent work on Mammals (Flower and Lydekker, Introduction to the Study of Mammals, London, 1891, pp. 593, 594).

the fur-seals, owing to the greater length and mobility of their flippers and to their structural peculiarities, travel on land with considerable facility and speed, the body being lifted high above the ground and the gait suggesting the ambling pace of the bear. The true hair seals (family *Phocidæ*) on the contrary are wholly unfitted for progression on land. From the natural history standpoint they represent the extreme of differentiation or departure from the ancestral stock among the terrestrial carnivorous mammals. In accordance with their aquatic habits the fore legs have been so modified that they are little more than stiff paddles, like those of the whale; the hind flippers stick out behind and can not be turned forward for use in terrestrial locomotion or in climbing over rocks, and their bodies drag heavily over the ground. Their movements on land or ice are awkward and laborious, and consist of a series of vertical curvatures and extensions of the spine, suggesting the method of locomotion of the measure worm.

Distinction between fur-seals and hair seals.

The amphibious fur-seals are not only intermediate between the hair seals and terrestrial carnivorous mammals in structure and means of locomotion, but also in habits, for they spend

Fur seals.

Fur-seals.

fully half of their lives on land; they climb steep and high hills with comparative ease, and have been known to travel inland fully three miles. The hair seals are strictly aquatic, spending most of the time in water, and some species hardly visit the shore at all.

PRINCIPAL FACTS IN THE LIFE HISTORY OF THE FUR-SEAL.

Homes of the fur-seal.

1. The Northern fur-seal (*Callorhinus ursinus*) is an inhabitant of Bering Sea and the Sea of Okhotsk, where it breeds on rocky islands. Only four breeding colonies are known, namely, (1) on the Pribilof Islands, belonging to the United States; (2) on the Commander Islands, belonging to Russia; (3) on Robben Reef, belonging to Russia, and (4) on the Kurile Islands, belonging to Japan. The Pribilof and Commander Islands are in Bering Sea; Robben Reef is in the Sea of Okhotsk near the island of Saghalien, and the Kurile Islands are between Yezo and Kamchatka. The species is not known to breed in any other part of the world. The fur-seals of Lobos Island and the south seas, and also those of the Galapagos Islands and the islands off

Lower California, belong to widely different species and are placed in different genera from the Northern fur-seal. Homes of the fur-seal.

2. In winter the fur-seals migrates into the North Pacific Ocean. The herds from the Commander Islands, Robben Reef, and the Kurile Islands move south along the Japan coast, while the herd belonging to the Pribilof Islands leaves Bering Sea by the eastern passes of the Aleutian chain. Southward migration.

3. The fur-seals of the Pribilof Islands do not mix with those of the Commander and Kurile islands at any time of the year. In summer the two herds remain entirely distinct, separated by a water interval of several hundred miles; and in their winter migrations those from the Pribilof Islands follow the American coast in a southeasterly direction, while those from the Commander and Kurile islands follow the Siberian and Japan coasts in a southwesterly direction, the two herds being separated in winter by a water interval of several thousand miles. This regularity in the movements of the different herds is in obedience to the well known law that *migratory animals follow definite routes in migration and return year after year to the same places to breed.* Were it not for this law there would be no such thing as stability of species, for interbreeding and exist- Pribilof and Commander herds do not mingle.

Pribilof and Commander herds do not mingle.

ence under diverse physiographic conditions would destroy all specific characters.*

Difference of pelage of Alaskan and Russian fur-seals.

The pelage of the Pribilof fur-seals differs so markedly from that of the Commander Islands fur-seals that the two are readily distinguished by experts, and have very different values, the former commanding much higher prices than the latter at the regular London sales.

Extent of migration.

4. The old breeding males of the Pribilof herd are not known to range much south of the Aleutian Islands, but the females and young appear along the American coast as far south as northern California. Returning, the herds of females

Course of northward migration.

move northward along the coasts of Oregon, Washington, and British Columbia in January, February, and March, occurring at varying distances from shore. Following the Alaska coast northward and westward they leave the North Pacific Ocean in June, traverse the eastern passes in the Aleutian chain, and proceed at once to the Pribilof Islands.

* The home of a species is the area over which it breeds. It is well known to naturalists that migratory animals, whether mammals, birds, fishes, or members of other groups, leave their homes for a part of the year because the climatic conditions or the food supply become unsuited to their needs; and that wherever the home of a species is so situated as to provide a suitable climate and food supply throughout the year such species do not migrate. This is the explanation of the fact that the Northern fur-seals are migrants, while the fur-seals of tropical and warm temperate latitudes do not migrate.

Arrival of breeding males at islands.

5. The old (breeding) males reach the islands much earlier, the first coming the last week in April or early in May. They at once land and take stands on the rookeries, where they await the arrival of the females. Each male (called a bull) selects a large rock on or near which he remains until August, unless driven off by stronger bulls, never leaving for a single instant night or day, and taking neither food nor water. Both before and for sometime after the arrival of the females (called cows) the bulls fight savagely among themselves for positions on the rookeries and for possession of the cows, and many are severely wounded. All the bulls are located by June 20.

Battles on the rookeries.

Arrival and departure of bachelor seals.

6. The bachelor seals (holluschickie) begin to arrive early in May, and large numbers are on the hauling grounds by the end of May or first week of June. They begin to leave the islands in November, but many remain into December or January, and sometimes into February.

Arrival of cows.

7. The cows begin arriving early in June, and soon appear in large schools or droves, immense numbers taking their places on the rookeries each day between the middle and end of the month, the precise dates varying with the weather. They assemble about the old bulls in compact groups called harems. The harems are complete early

Arrival of cows.

in July, at which time the breeding rookeries attain their maximum size and compactness.

Birth of the young.

8. The cows give birth to their young soon after taking their places on the harems in the latter part of June and in July, but a few are delayed until August. The period of gestation is between eleven and twelve months.

Number of pups at birth.

9. A single young is born in each instance. The young at birth are about equally divided as to sex.

Dependence of pup upon its mother.

10. The act of nursing is performed on land, never in the water. It is necessary, therefore, for the cows to remain at the islands until the young are weaned, which is not until they are four or five months old. Each mother knows her own pup and will not permit any other to nurse. This is the reason so many thousand pups starve to death on the rookeries when their mothers are killed at sea. We have repeatedly seen nursing cows come out of the water and search for their young, often traveling considerable distances and visiting group after group of pups before finding their own. On reaching an assemblage of pups, some of which are awake and others asleep, she rapidly moves about among them, sniffing at each, and then gallops off to the next. Those that are awake advance toward her with the evident purpose of nursing, but she

Cow suckles her own pup only.

repels them with a snarl and passes on. When she finds her own she fondles it a moment, turns partly over on her side so as to present her nipples, and it promptly begins to suck. In one instance we saw a mother carry her pup back a distance of fifteen meters (fifty feet) before allowing it to nurse. It is said that the cows sometimes recognize their young by their cry, a sort of bleat. Cow suckles her own pup only.

11. Soon after birth the pups move away from the harems and huddle together in small groups, called 'pods,' along the borders of the breeding rookeries and at some distance from the water. The small groups gradually unite to form larger groups, which move slowly down to the water's edge. When six or eight weeks old the pups begin to learn to swim. Not only are the young not born at sea, but if soon after birth they are washed into the sea they are drowned. 'Podding.' Aquatic birth impossible.

12. The fur-seal is polygamous, and the male is at least five times as large as the female. As a rule each male serves about fifteen or twenty females, but in some cases as many as fifty or more. Comparative size of bull and cow. The harem.

13. The act of copulation takes place on land, and lasts from five to ten minutes. Most of the cows are served by the middle of July, or soon Copulation.

Copulation.

after the birth of their pups. They then take the water, and come and go for food while nursing.

Fertilization of young cows.

14. Many young bulls succeed in securing a few cows behind or away from the breeding harems, particularly late in the season (after the middle of July, at which time the regular harems begin to break up). It is almost certain that many, if not most, of the young cows are served for the first time by these young bulls, either on the hauling grounds or along the water front.

These bulls may be distinguished at a glance from those on the regular harems by the circumstance that they are fat and in excellent condition, while those that have fasted for three months on the breeding rookeries are much emaciated and exhausted. The young bulls, even when they have succeeded in capturing a number of cows, can be driven from their stands with little difficulty, while (as is well known) the old bulls on the harems will die in their tracks rather than leave.

Age of puberty in cows.

15. The cows are believed to take the bull first when two years old, and deliver their first pup when three years old.

Age at which males go in breeding grounds.

16. Bulls first take stands on the breeding rookeries when six or seven years old. Before

this they are not powerful enough to fight the older bulls for positions on the harems. Age at which males go in breeding grounds.

17. Cows when nursing regularly travel long distances to feed. They are frequently found one hundred or one hundred and fifty miles from the islands, and sometimes at greater distances. Feeding excursions.

18. The food of the fur-seal consists of fish, squids, crustaceans, and probably other forms of marine life also. (See Appendix E.) Food.

19. The great majority of cows, pups, and such of the breeding bulls as have not already gone, leave the islands about the middle of November, the date varying considerably with the season. Departure from islands.

20. Part of the non-breeding male seals (holluschickie), together with a few old bulls, remain until January, and in rare instances until February, or even later.

21. The fur-seal as a species is present at the Pribilof Islands eight or nine months of the year, or from two-thirds to three-fourths of the time, and in mild winters sometimes during the entire year. The breeding bulls arrive earliest and remain continuously on the islands about four months; the breeding cows remain about six months, and part of the non-breeding male seals about eight or nine months, and sometimes throughout the entire year. Time fur-seals remain on islands.

Length of time of migration.

22. During the northward migration, as has been stated, the last of the body or herd of fur-seals leave the North Pacific and enter Bering Sea in the latter part of June. A few scattered individuals, however, are seen during the summer at various points along the Northwest Coast; these are probably seals that were so badly wounded by pelagic sealers that they could not travel with the rest of the herd to the Pribilof Islands. It has been alleged that young fur-seals have been found in early summer on several occasions along the coasts of British Columbia and southeastern Alaska. While no authentic case of the kind has come to our notice, it would be expected from the large number of cows that are wounded each winter and spring along these coasts and are thereby rendered unable to reach the breeding rookeries and must perforce give birth to their young—perhaps prematurely—wherever they may be at the time.

Accidental births on coast.

Reasons that Pribilof Islands are the home of the fur-seals.

23. The reason the Northern fur-seal inhabits the Pribilof Islands to the exclusion of all other islands and coasts is that it here finds the climatic and physical conditions necessary to its life wants. This species requires a uniformly low temperature and overcast sky and a foggy

Reasons that Pribilof Islands are the home of the fur-seals.

atmosphere to prevent the sun's rays from injuring it during the long summer season when it remains upon the rookeries. It requires also rocky beaches on which to bring forth its young. No islands to the northward or southward of the Pribilof Islands, with the possible exception of limited areas on the Aleutian chain, are known to possess the requisite combination of climate and physical conditions.

Alaskan fur-seals do not breed on coast of California.

All statements to the effect that fur-seals of this species formerly bred on the coasts and islands of California and Mexico are erroneous, the seals remaining there belonging to widely different species.

Subdivisions of report.

In the general discussion of the question submitted to the Commission it will be convenient to consider the subject under three heads, namely:

Conditions of seal life in the region under consideration at the present time.

Causes, the operation of which lead to existing conditions.

Remedies, which if applied would result in the restoration of seal life to its normal state, and to its continued preservation in that state.

CONDITIONS.

Present conditions.

In considering the condition of seal life on the Pribilof Islands at the present time, it is important to inquire, first, is there any marked decrease in the number of seals frequenting these islands during the past few years; and, second, if such decrease has taken place, among what class or classes of seals is it most notable?

Sources of information.

Although an affirmative answer to the first question is generally agreed to, it is worth while to consider for a moment the evidence on which such an opinion is founded, especially as it is all more or less related to questions concerning the amount of decrease and the period over which it extended, about which considerable differences of opinion are known to exist. This evidence easily resolves itself into two kinds: (1) the evidence of eyewitnesses or human testimony in which observations of several individuals cover the last quarter of a century; and (2) what may be called the internal evidence of the rookeries themselves as they appear to-day

Estimates of number of seals exaggerated.

It is proper to remark that in our judgment most, if not all, of the published estimates of the number of seals hitherto found on these islands are exaggerated. From the very nature of the case an estimate of numbers is extremely diffi-



NORTHEAST POINT ROOKERY, ST. PAUL ISLAND, BERING SEA.

[From a photograph by Dr. C. Hart Merriam, taken August 5, 1891.]

cult. In short, one can say with much more certainty that there are fewer seals here now than five years ago than he could attempt a comparison by means of an actual or rather an assumed census.

Estimates of number of seals exaggerated.

(I) EVIDENCE OF EYEWITNESSES.

The universal testimony of all who saw the rookeries a few years ago, and again in 1890 or or 1891, is that they have suffered a great and alarming decrease within the past six or seven years. In the case of Northeast Point Rookery, the largest single rookery known, and one from the hauling grounds of which about twenty to thirty-five thousand nonbreeding male fur-seals were taken annually for twenty years, the evidence is unequivocal and conclusive. This great rookery is several miles in length, and its former boundaries can be distinctly seen, as will be described in detail presently. (See also accompanying photograph.) The area occupied by breeding seals in 1891 was a narrow strip along shore, with a small area in the rear used as 'hauling grounds'; while the zone of former occupancy varies from one hundred to five hundred feet in width. Mr. C. H. Townsend, resident naturalist of the United States Fish Commission steamer *Albatross*, visited Northeast

Decrease on Northeast Point Rookery.

Visit of Commissioners.

Visit of Commissioners.

Point Rookery in company with the British and United States Bering Sea Commissioners, August 5, 1891, and stated that when he visited the same rookery in the latter part of June, 1885, the broad zone here referred to "was covered solid with seals." Lieut. John C. Cantwell, of the Revenue Steamer *Rush*, Dr. H. H. McIntyre, Capt. Daniel Webster, Mr. J. C. Redpath, and Mr. George R. Tingel, corroborate Mr. Townsend's statement that the yellow-grass zone, or zone of former occupancy, was densely covered with seals in 1885.

Native testimony as to decrease.

The testimony of natives and others in regard to other rookeries agrees very well with the above, or places the time of abandonment at a still later date, some of the natives maintaining that the yellow-grass zone was covered with seals as recently as 1887. It is evident, therefore, that the extensive area here described as the yellow-grass zone, behind the narrow strip at present occupied by the seals on the various rookeries, was thickly covered not longer ago than 1885 or 1886, and in some cases perhaps as late as 1887.

The great decrease.

In our examination of many persons who had long resided upon the islands, there was universal agreement that there had been a great decrease in the number of seals within a few years. Although the testimony gathered by us on this



NORTHEAST POINT ROOKERY, ST. PAUL ISLAND, BERING SEA.

[From a photograph by Dr. C. Hart Merriam, taken August 5, 1891.]

and other points was not given under oath, its value, in our judgment, is not in the least lessened by that fact. In nearly all cases the witneses were examined separately. No 'leading questions' were asked, and especial care was taken to prevent the examination from indicating in anyway what was desired to be proved. Full notes of answers and statements were made, and in all cases of special importance the question was repeated and the answer read in order to be sure that the opinion of the witness had been properly given. In short, the investigation was conducted precisely as it would have been had the question been one of scientific rather than diplomatic importance.

The great decrease.

A few extracts from the evidence relating to diminution in numbers will indicate its general character.

Extracts from testimony taken.

Anton Melovedoff, native of the island of St. Paul. His father had been chief of the natives on the island, and he had served in the same capacity until recently, when he had been deposed because, as he himself expressed it, he was "working in the interests of the Company rather than that of the Government."

In his opinion the number of seals had greatly diminished during the last few years.

Dr. A. A. Lutz, physician on the island of St.

Extracts from testimony taken.

George since 1884: "There has been a great falling off during the past few years."

Mr. Emmons, collector of the port at Unalaska: gets his information from the officers and men of the schooners and other craft engaged in pelagic sealing; thinks that if the present state of affairs is allowed to continue the herd of seals will soon be destroyed.

Nicoli Krukof, born in Sitka, came to the island of St. Paul two or three years before the time of the Alaska purchase; is now second chief on the island; speaks English very well. Seals began to decrease in number about seven years ago and have diminished rapidly since. It is his opinion that not more than one-fourth as many seals are now on the rookeries as were to be found ten years ago.

Kerrick Artomanoff, aged sixty-seven years, born in St. Paul; his father was a sealer under the Russian règime, as was he also up to the time of the Alaska purchase. In all he has been employed in seal killing for forty-five years. His testimony is interpreted by Nicoli, the second chief.

The number of seals has diminished very greatly within the last few years. He has seen the rookeries so full that a cow could not get ashore in time for the birth of her young, in

which case the pup was born in the water and drowned. Extracts from testimony taken.

Mr. J. C. Redpath, resident agent of the North American Commercial Company, and previously agent of the Alaska Commercial Company during a period of fifteen years.

Mr. Redpath has enjoyed unusual opportunities for the intelligent study of seal life. That he has made good use of them may be attributed to the fact that the best interests of the companies which he has represented on the islands demanded that no one should be better informed than he, especially in the matter of increase or decrease in the number of killable seals and the causes to which changes are to be attributed.

He said: "Not more than one-half as many females are on the rookeries this year as were to be found there ten years ago. There is the same loss in the holluschikie, about."

Captain Webster, agent of the North American Commercial Company on the island of St. George, has been on the seal islands for twenty-two years; was a whaler and sealer in these waters before coming to the islands; has been in the employ of the sealing companies from the beginning of the management by the United States. Captain Webster had a wide experience as a sealer in other parts of the world before

Extracts from testimony taken.

entering the service of the Alaska Sealing Company. Few persons have as much knowledge of seals and the sealing industry as he. His statement was that the falling off last year at St. George was very great, and this year the number is considerably less than last. "There are not over one-third as many seals on this island as were here a few years ago."

Difficulty of lessees to obtain quota.

Evidence of this character might be multiplied to almost any extent were it thought necessary. It is well known that during the last few years the operating Company had experienced difficulty in finding a sufficient number of high-class skins to fill the quota permitted by the Government, and that finally that quota was greatly reduced by order of the representatives of the Government on the islands. It may therefore be accepted as an undisputed fact that the seal population of the islands is greatly below what it was for many years and there is little doubt that if the causes which brought about this reduction are permitted to continue in operation, commercial extinction of the herd within a few years will be the inevitable result.

Undisputed decrease.

But, fortunately, we are not obliged to accept this conclusion solely on the basis of such testimony as that given above, reliable and convinc-

ing as it is believed to be. The evidence offered by the physical condition of the rookeries themselves would alone be sufficient to satisfy anyone that at some previous time the seal population had been vastly greater than at present. Undisputed decrease.

(II) INTRINSIC EVIDENCE AFFORDED BY THE ROOKERIES THEMSELVES.

Behind each rookery is a more or less sharply defined strip or belt varying from one hundred to five hundred feet in width, which differs conspicuously in appearance from the ground on either side. It is covered with a short and rather fine grass of a yellowish-green color (*Glyceria angustata*), more or less mixed with tufts of a coarser species (*Deschampsia cæspitosa*), both differing strikingly from the tall and rank rye grass (*Elymus mollis*) usually growing immediately behind. In many places the ground between the tussocks and hummocks of grass is covered with a thin layer of felting, composed of the shed hairs of the seals matted down and mixed with excrement, urine, and surface soil. This felting could not have been formed otherwise than by the movements of seals back and forth over the ground for many years. In the same zone the rough upper surfaces and angular projection of the rocks have been rounded off and polished by The yellow-grass zone.

Worn rocks.

Worn rocks.

the former movements of the seals. This polishing, though now partly hidden by weathering and the growth of lichens, is still conspicuous, and can be attributed to no other cause than to the movements of the seals on the rookeries during a long period of years. The fact that the sides of these same rocks remain in their original rough condition is sufficient proof that the smooth upper surfaces could not have been produced by sand-polish.

Bunch-grass zone.

In some of the rookeries another zone may be discerned behind the yellow-grass zone, indicating the extent of the rookery at some still more remote period. The grass on this area is bunch grass (*Deschampsia cæspitosa*); the lichen growth on the rocks is heavier than on the one just described, and the polished surfaces of the rocks show more weathering. This latter zone abuts against the more elevated turf bearing the characteristic tall grass of the islands, and marks the period of maximum abundance of the seals.

Comparative size of areas.

The aggregate size of the areas formerly occupied is at least four times as great as that of the present rookeries.

Decrease shown by rookeries.

In short, the characteristics of a region long occupied by seals are so marked as to be unmistakable, and while it is possible to explain the existence of a small part of the unoccupied

ground on the supposition that the seals 'rove' more or less, occupying this field at one time and that at another, no one who studies the islands as they now are can fail to see that the space now covered by seals is only a fringe compared with the areas that were once alive with them.

Decrease shown by rookeries.

Having answered the first of the two queries relating to conditions of seal life at the present time, the second becomes important. It is, Has the decrease in numbers been confined to any particular class of seals, or is it most notable in any class or classes? In answer to this it is our opinion that the diminution in numbers began and continues to be most notable in female seals.

Decrease is in female portion of herd.

It is quite likely, in fact almost certain, that the decrease would not be first discovered or remarked in this class.

Difficult to notice decrease in females.

The Government officers and Company's agents on the islands are principally concerned with the 'holluschickie,' in which class the killable seals are found, and the first signs of decadence would probably appear in the fact that more seals had to be driven in order to obtain a given number of merchantable skins.

Difficulty in obtaining quota after 1887.

For eighteen years after the Alaska purchase about one hundred thousand bachelor seals were secured annually without difficulty and without impairing the productiveness of the breeding rookeries, but the decrease brought about by pelagic sealing made it extremely difficult to obtain this number after 1887, and the standard of size was lowered several times in order to obtain the full quota. In 1890 the rookeries and hauling grounds had fallen off to such an alarming extent that the Treasury agent in charge ordered the killing to stop on July 20, at which date only twenty-one thousand seals had been secured, and it may be added that this number was taken only after the greatest exertion on the part of the Company's agents.

Mistaking *effect* for *cause*.

The percentage of seals of killable size was so small (fifteen to twenty percent) compared with the percentage of yearlings, that it is not surprising that the Treasury agents on the islands were impressed with the scarcity of young males, and being new men, inexperienced in matters relating to seal life, were easily led to mistake *effect* for *cause* and attributed the decrease to the killing of too many young males at the islands in previous years, instead of to the destruction of the mothers and young by

pelagic sealers, an error they were quick to correct after another year's experience.

Mistaking *effect* for *cause*.

The number of seals killed each day during the killing season may be taken as a rough index to the rapidity of the decline of the rookeries in the past few years. Treasury Agent Charles J. Goff, in charge of the seal islands in 1889–'90, states in his official report that the average daily killing in 1890 was five hundred and twenty-two, while in 1889 it was one thousand nine hundred and seventy-four for the same period.

Decrease shown by daily killing.

In his report for 1889 Treasury Agent Goff states: "The alarming decrease in the daily, weekly, and monthly receipts of [skins by] the Alaska Commercial Company, and as a dernier resort by said Company to secure their one hundred thousand skins, the killing of smaller seals than was customary attest conclusively that . . . there is a scarcity of seals, and that within the last year or so they are from some cause decreasing far beyond the increase." He states further: "I regard it absolutely essential, for the future of the rookeries, that prompt action be taken by the Department for the suppression of illegal killing of seals in Bering Sea, and that the utmost economy be observed in taking the seals allowed by law."

Report of Treasury Agent Goff.

Why decrease of females was not noticed.

A considerable decrease in the number of female seals upon the breeding rookeries might not be noticed at first where the total number is so large, but in two or three years the effect of this loss would be felt in the class of killable seals, and might there be quite evident. The loss in one class would thus follow surely but somewhat behind the other in time. When the diminution in the number of killable seals became notable, attention was at once drawn to the breeding rookeries, and it was found that they were being depleted. Thus Captain Webster declared: "The great destruction has been among females. Formerly there would be, on an average, thirty cows to one bull; now they will not average fifteen."

Diminished size of harems.

And Mr. Redpath (already quoted) stated: "Not more than one-half as many females are on the rookeries this year as were found there ten years ago."

Effect of decrease of females on male life.

The reaction of a considerable reduction in the number of females upon the number of young male seals would be immediate and certain, while a reduction in males must reach such a point as to lessen the supply of bulls for the breeding rookeries before the birth-rate can be affected. There is no evidence to show that this limit has been reached in recent years, and it seems clear,

therefore, that the reduction in numbers originated in and is to be attributed to the loss of female seals.

Effect of decrease of females on male life.

CAUSES.

If the above representation of the *conditions* of seal life at the present time be accepted as correct, the determination of *causes* is practically limited to the discovery of the origin of the increased mortality among female seals.

Where decrease of seals should be sought.

It is our belief that the decadence of seal life on the Pribilof Islands is due to the destructive effects of pelagic sealing.

Cause, pelagic sealing.

As widely different opinions are held on this point we will present at some length the principal reasons upon which our belief is founded.

Reasons for opinion.

In the joint report of the Commission it is agreed that the diminution in the number of seals is to be attributed to the operations of man. As man comes in contact with the fur-seal in only two ways, that is, in pelagic sealing and sealing upon the islands, it follows that in one or the other or in both of these operations the injury must be inflicted.

Decrease caused by man.

In order to enjoy a clearer view of the problem it will be desirable to consider for a moment the conditions under which a herd of seals assumes its normal dimensions, uninfluenced by the presence of man.

Condition of herd untouched by man.

Birth-rate and death-rate.

In the case of the seal or any other animal the condition of the species as to number must always depend upon the relation of the birthrate to the deathrate. As long as these two are equal the number remains constant, provided, of course, the distribution of deaths among the various ages remains the same. Change the distribution, and there will be a temporary increase or decrease in the total number of the species, according as the deaths are shifted toward the later or earlier part of the animal's existence. Thus, suppose twenty years to be the normal age of the seal: if all deaths occur at the end of twenty years, the total number alive at any one time would be much greater than if the mortality was distributed throughout the whole period. When a certain distribution of this mortality is determined upon, however, the number of individuals living at one time will adjust itself to this distribution and will then remain constant, provided, always, that the distribution of mortality is such as not to affect the number of births. If, in any species, it could be determined that no deaths should occur until sometime after the reproductive age had been reached, such a species would increase with great rapidity. With equal certainty, if it were fixed that all deaths should occur before the reproductive age, the species would be shortly

annihilated; and if more than a certain number of deaths occur at that early period, the destruction of the species is only a question of time. Given, therefore, a species comprising a certain number of individuals, that number will tend upward or downward or will remain constant, according to the relation of births to deaths. In nature, where the conditions for a certain species are favorable, the usual course is that the numbers increase until by the increase of their natural enemies, or the less favorable character of the conditions (usually less favorable by reason of insufficient food supply resulting from increase in numbers), the birthrate and deathrate become equal, after which the number will remain constant until some new influence makes its appearance to affect them favorably or unfavorably. Birth-rate and death-rate.

This is the condition which the seals would unquestionably reach in time, if not interfered with by man, and which, undoubtedly, they have reached at various times in their history. Under this condition certain numbers of seals are born every year and the same number die every year, the total number alive at any one time depending on the distribution of the deaths among seals of various ages.

Man does not necessarily increase death-rate.

Now, let man enter upon the scene, and let him destroy annually a certain number of seals. The deathrate is not necessarily increased, the time of dying only may be changed, seals being killed at the age of four years which would otherwise have lived to the age of fifteen or twenty. The total number of seals living at one time may be much reduced while the number of births may remain the same.

Regulation of killing.

If man is benefited by killing seals, in order that his gain may be as great as possible, it is evidently important to so conduct the killing that the dimensions of the herd may be maintained at a maximum. The larger the herd the more he can take annually for his own uses. This maximum number is secured, and is secured only by bringing to and maintaining the number of births per annum at the highest possible limit.

Interference with birth-rate injurious.

We have gone thus into the details of this argument in order that there might remain no doubt as to its effect, and to emphasize the simple but most important proposition that *what ever interferes with the birth-rate is injurious to the seal herd.*

Effect of a single young a year.

It may be well at this point to invite attention to the fact that the fur-seal as a species is very sensitive to influences which tend to disturb the balance between births and deaths. Unlike

many animals, the number of offspring thrown upon the world to take their chance in the struggle for existence is small, each fertile animal giving birth to only a single young each year.

Effect of a single young a year.

The life of the seal herd, then, depending as it unquestionably does on the constancy of the number of births, can be endangered from two directions: First, from the killing of fertile females; and, second, from the excessive killing of males, carried to such an extent as to prevent the presence of the necessary number of virile males on the breeding rookeries. To one or the other of these causes must be charged the great change that has come upon the rookeries within recent years, and the commercial destruction with which the sealing industry is now seriously threatened.

How birth-rate may be lessened.

We are firmly of the opinion that an impartial examination of all the facts in the case will show conclusively that the latter of the two possible causes has had no appreciable part in the destructive work that has been accomplished.

Killing a certain number of males will not affect birth-rate.

The polygamous habits of the fur-seal have already been described, as well as the separation in hauling out of the 'holluschickie' or younger males from the breeding rookeries. The battles among the older males for places upon the breed-

Battles on rookeries show no lack of males.

Battles on rookeries show no lack of males.

ing grounds have long been described as one of the peculiar characteristics of the species. A younger male is obliged to win his right to a harem by conflict with his older brethren already in possession. Many thousands of virile young males lie at a convenient distance on the hauling grounds, ready to engage in a struggle for a place in the affections of the female seal should a favorable opportunity occur.

Notwithstanding the depleted condition of the rookeries, these conflicts and struggles still go on. They went on last year and also in 1890. This condition of things is utterly incompatible with any theory which assumes a scarcity of virile males. The evidence of the most reliable and credible observers goes to prove the same thing. Mr. Redpath and Captain Webster have already been quoted as declaring that it is among female seals that the great scarcity exists, but it is worth while here to repeat the statement of the latter, that "formerly there would be on an average thirty cows to one bull; now they will not average fifteen." Several of the native observers placed the number of cows formerly served by one bull at a much higher figure than thirty. These facts rather tend to show that males are relatively in excess on the breeding rookeries at the present time. Our own observations

Testimony as to no lack of males.

convinced us that at least there could be no deficiency and that it was a practical impossibility for any breeding cow to escape service on account of paucity of virile males. Testimony as to no lack of males.

The unavoidable conclusion is, then, that the deterioration of the herd must be attributed to the destruction of female seals. Decrease caused by killing females.

If a herd of seals be taken in its natural condition, that is, as not interfered with by man, males and females will be found practically equal in number, as the number of births in a year of both sexes is the same, and we have no reason to believe there is any great difference in the natural mortality of the sexes. The total number of females may be divided into two classes, the breeding and the nonbreeding, the former being probably a large proportion of the whole. The nonbreeding females include those that have not yet reached the reproductive age and the few which from old age or other causes are barren. Natural condition of herd. Classes of females.

The male seals may likewise be divided into two classes, the virile and the nonvirile, the latter including those below the age of virility and those impotent on account of old age. The reproductive power of the herd, therefore, lies in the breeding females and the virile males. The maintenance of the birthrate, the vital and essential element in the preservation and perpetuation Classes of males. On what birthrate depends.

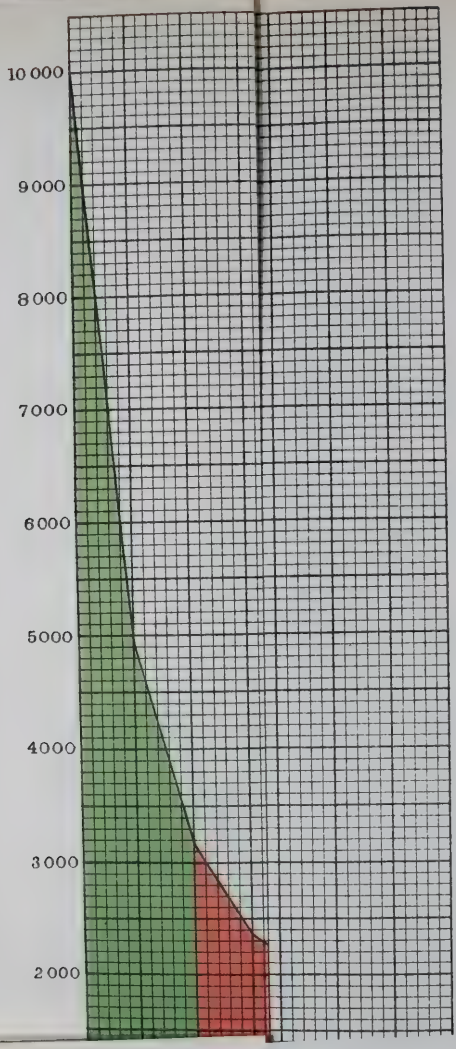
On what birth-rate depends.

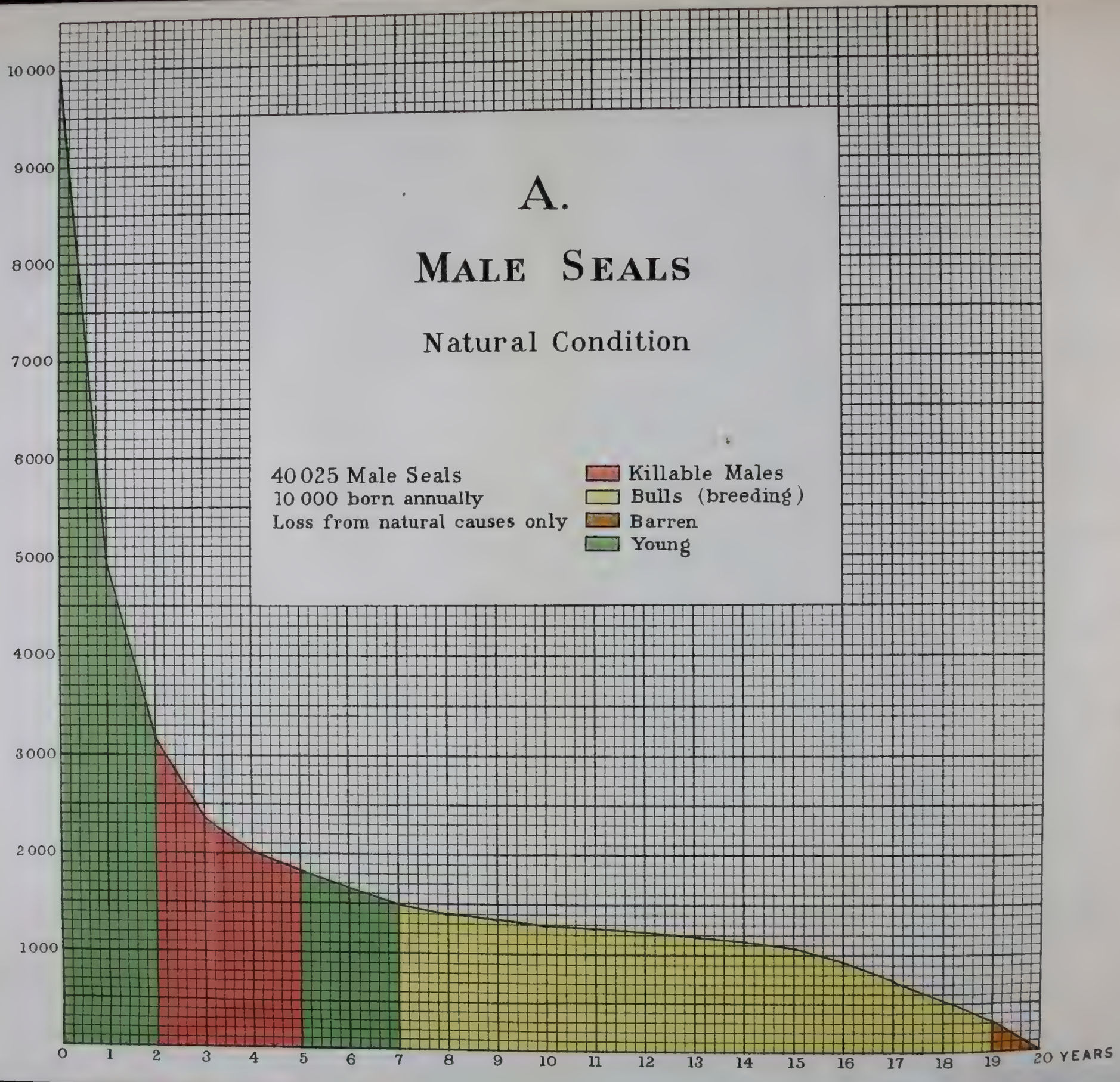
of the herd, requires the preservation of the *whole* of the class of breeding females, while only a small number of virile males are necessary or at all concerned in the matter.

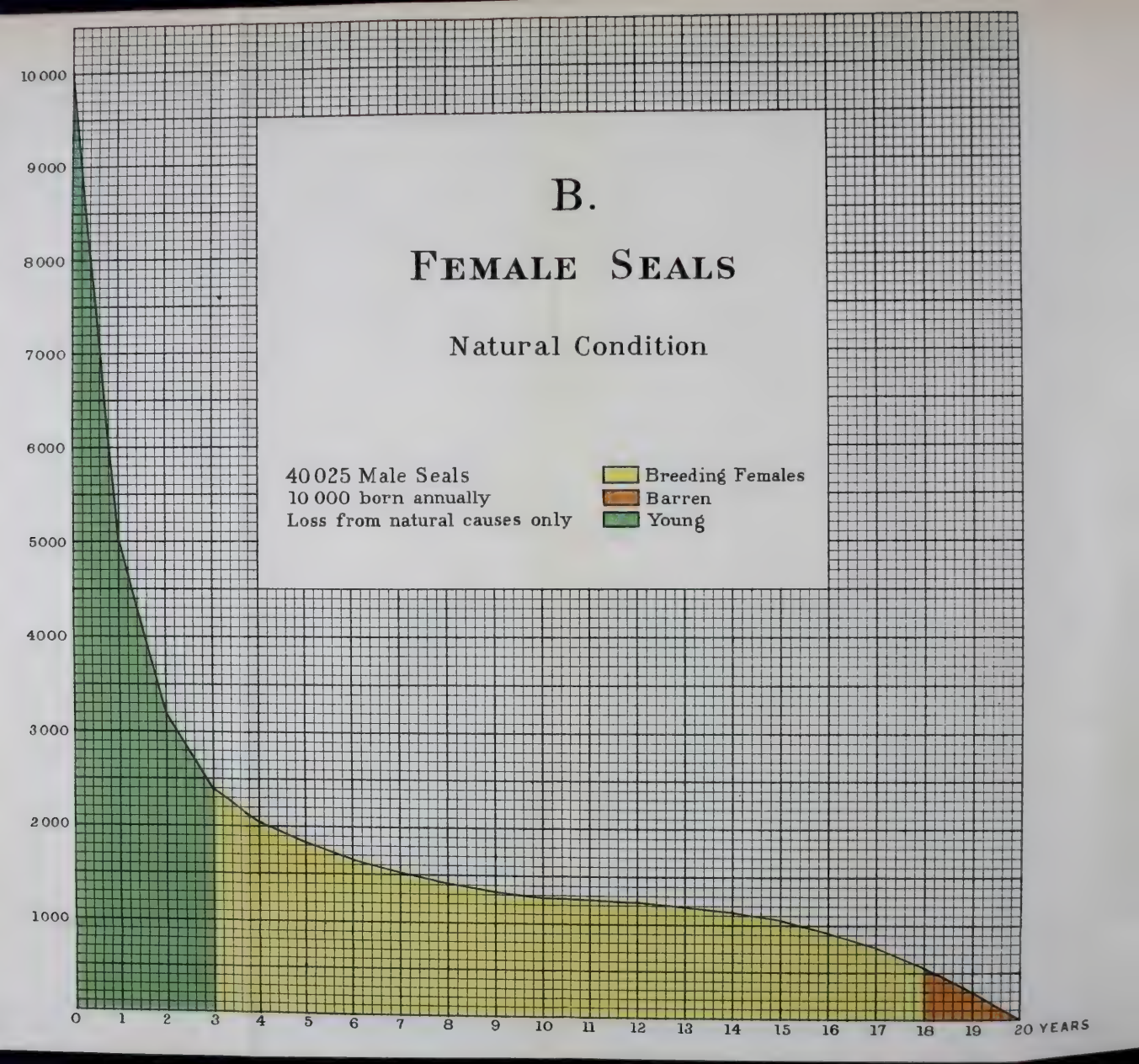
This is the great essential difference between the importance of the life of the female and that of the male to the conservation of the herd, and it is the fundamental proposition on which hangs the solution of the whole problem.

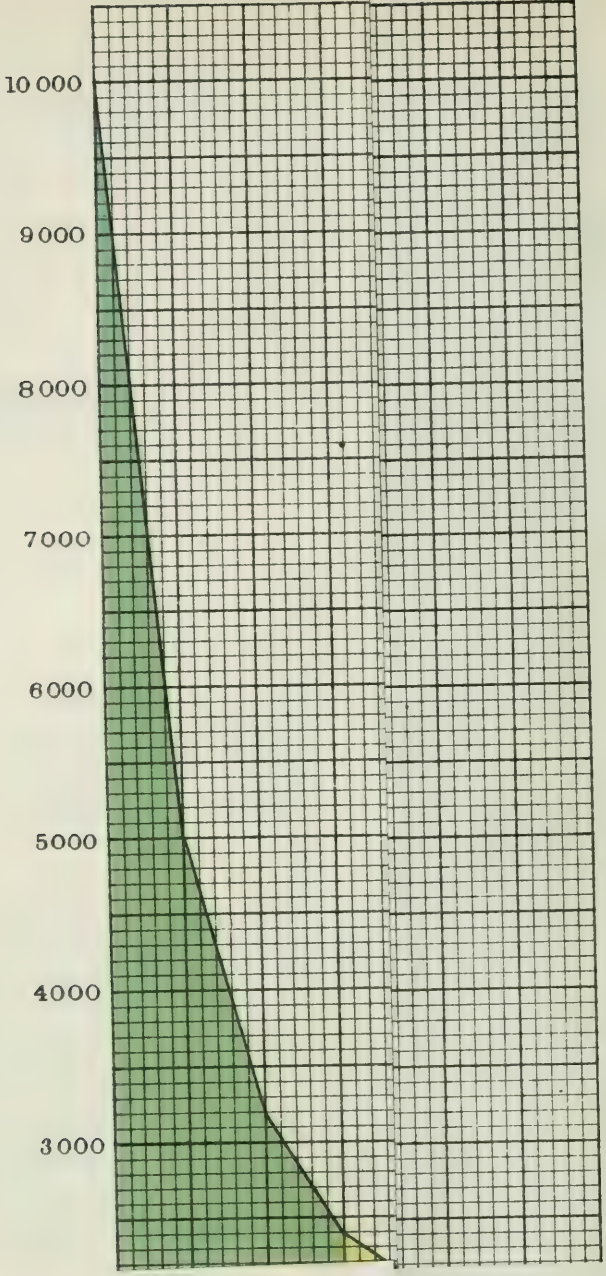
Explanation of diagrams.

We have ventured to illustrate this by means of a graphic exhibition of a hypothetical herd of eighty thousand seals, in the accompanying diagrams, in which the effect of killing males is shown to be harmless, if kept within certain limits. In these diagrams the age of the seals is shown on the horizontal line at the base of the figure and the number of seals at any given age is proportional to the length of the vertical line on the diagram at the point representing the age. Unfortunately we have no 'tables of mortality' for seals; we know only approximately their maximum age and we have little knowledge as to the distribution of their deathrate. Based on the best information available, we have assumed the normal age to be twenty years, and, to be on the safe side, have further assumed that one-half of the seals born die during the first year after birth. The outer curve of the diagram, showing


10 000
9000
8000
7000
6000
5000
4000
3000
2000


A.
MALE SEALS
Natural Condition
40 025 Male Seals
10 000 born annually
Loss from natural causes only
Killable Males
Bulls (breeding)
Barren
Young
10 000
9000
8000
7000
6000
5000
4000
3000
2000
1000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 YEARS


B.
FEMALE SEALS
Natural Condition
40 025 Male Seals
10 000 born annually
Loss from natural causes only
Breeding Females
Barren
Young
10 000
9000
8000
7000
6000
5000
4000
3000
2000
1000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 YEARS


10 000
9000
8000
7000
6000
5000
4000
3000

Explanation of diagrams.

the distribution of ages from this time on pretends only to be an approximation, as it is impossible to obtain the accurate information necessary for a better representation. We maintain, however, that the fullest knowledge would necessitate no change which would materially affect the force of our argument based on these diagrams.

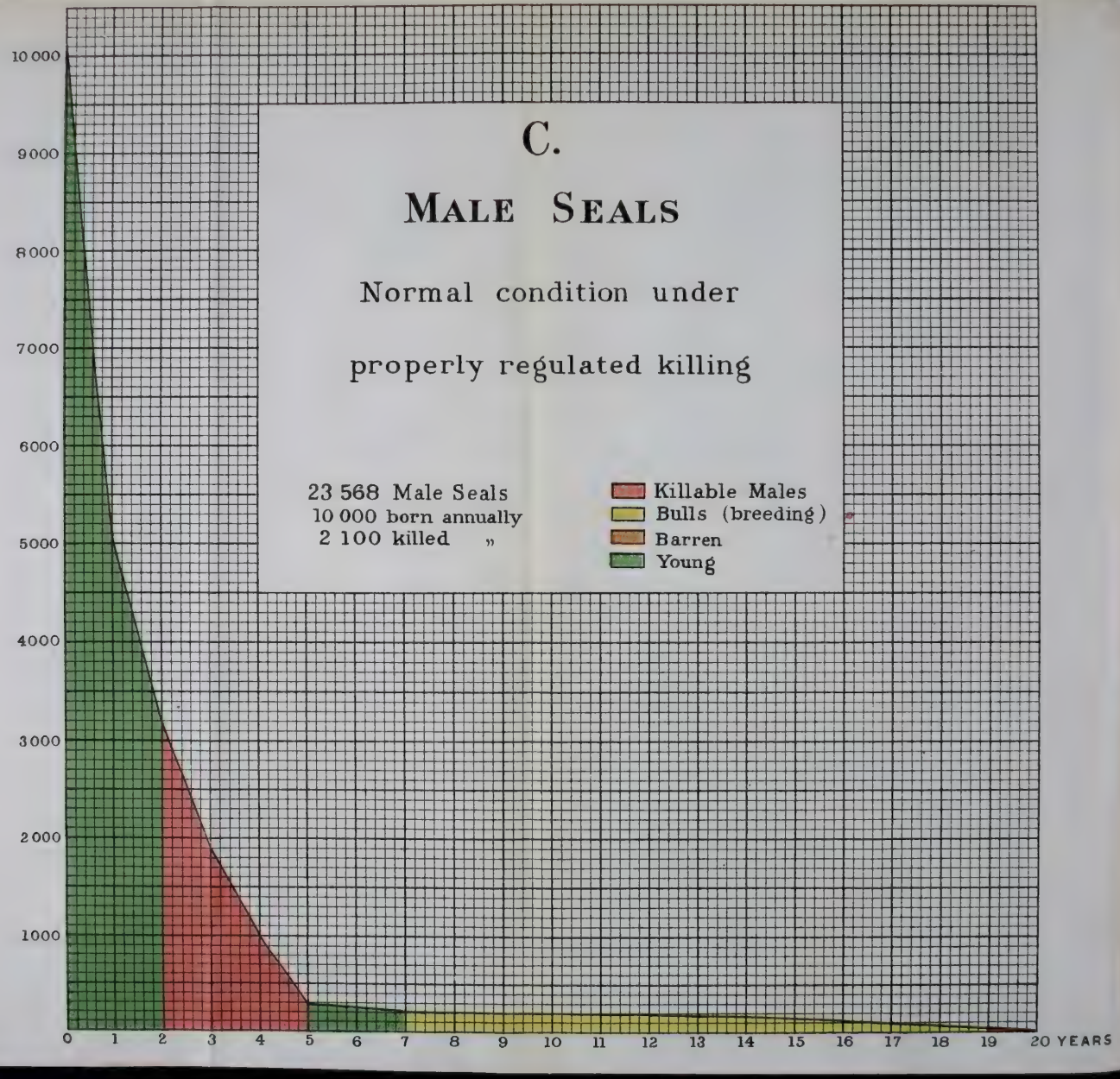
The longest vertical line at the left represents the number of births annually, which, for convenience, is assumed to be ten thousand of each sex. At the end of one year the vertical line is reduced one-half in length, as half the seals born the year before are assumed to be dead. At the end of the second year it is still further shortened, and so on until the end of the twentieth year. There can thus be traced the history of a group of ten thousand seals from birth to final extinction, the area bounded by lines vertical at the beginning and end of any year showing the number alive at any age, as between ten and eleven years of age, and the total area of the diagram is proportional to the total number of seals in the herd.

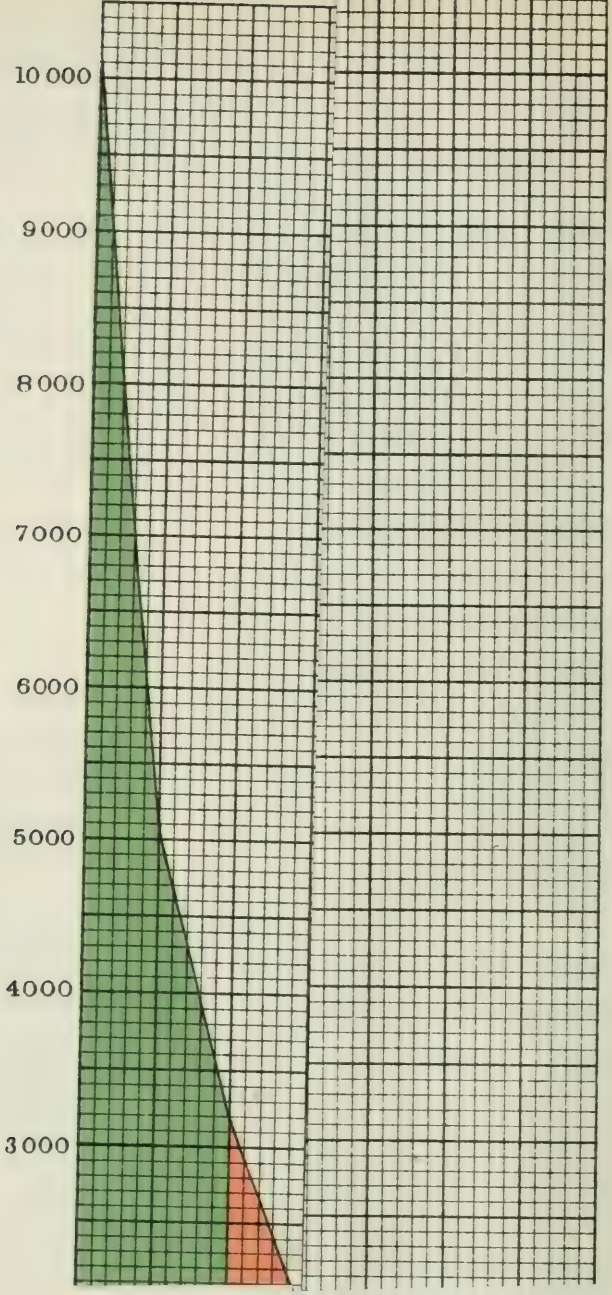
Diagrams A and B represent the males and females of such a herd in its natural condition, that is, not interfered with by man. It is in a condition of practical stability, the males and females are equal in number, and the diagrams are identical, except as to the coloring of the

Explanation of diagrams.

different parts, by means of which it is attempted to represent the numbers of the different classes of seals. We can fix the ages for 'killable seals' with certainty, and all included under that head are represented in the diagram by that portion colored red. Male seals not killable and not old enough to take a place on the breeding rookeries are shown in green, while those of the breeding age are shown in yellow. The lines of demarcation up to this point are quite accurately known and the diagram may be regarded as correct, but we do not know certainly at what age the male becomes impotent and is driven off the rookery. The best estimate based on analogies of other animals, places this period at about the age of seventeen years, and the diagram so represents it.

In the classification of female seals there is some difficulty, for while we are tolerably certain that the young female goes on the breeding rookeries at least at the age of three years, we know little about the age at which she becomes barren. The assumption that this period is reached, on the average, at the age of eighteen years, is, perhaps, not very far from the truth. The younger females under the breeding age are presented in green, the breeding females in yellow, and the barren in brown.


C.
MALE SEALS
Normal condition under
properly regulated killing
23 568 Male Seals
10 000 born annually
2 100 killed „
Killable Males
Bulls (breeding)
Barren
Young
10 000
9000
8000
7000
6000
5000
4000
3000
2000
1000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 YEARS


10 000
9000
8000
7000
6000
5000
4000
3000

Explanation of diagrams.

Thus the diagrams give, it is believed, a fair representation of the condition of a herd of about 80,000 seals, 10,000 males and the same number of females being born each year, showing the breeding and the nonbreeding of both males and females; the breeding males, it must be remembered, including those not only found at the head of harems, but all of those that in virtue of their age and condition are capable of filling a place on the breeding rookeries. The killable males include only those not under two or over four years of age, which furnish skins of the finest quality and greatest value.

It is important to remark here that everyone of the breeding females is necessary to insure the annual birth of 20,000 pups. If this were not the case and the herd were undisturbed it would increase in numbers, which is contrary to the hypothesis that it has already reached its normal condition of stability.

Diagram C shows the male portion of the same herd when judiciously worked by man. No females under the breeding age can be killed, for that would very shortly reduce the number of breeding females, and none of these can be spared without reducing the number of births. The only females available for killing without injury to the herd are the barren females. Were their

Explanation of diagrams.

skins not inferior and of less value than those of the young males it would be impossible, under the most favorable circumstances, to certainly distinguish them from their more fruitful sisters. With males, however, the case is entirely different. It is only necessary with those of the killable age given above to allow enough to escape the club to supply the annual deficit of virile males on the breeding rookeries. In other words, if 100,000 breeding females were required to maintain a given herd, rigorously speaking, and assuming as a moderate estimate twenty females in each harem, only 5,000 breeding males would be required and it would only be necessary to spare enough to keep up this number. The diagram assumes a much more liberal supply of males, however, the ratio being assumed at twelve to one.

The diagram shows that the total number of males in the herd would be greatly diminished and the census of the whole herd correspondingly lessened. But when once reached, the new condition would be constant and self-sustaining; the same number of seals might be killed annually forever without danger of diminution, except from other causes. The calculation on which the diagram is constructed shows that the number of male seals would be

Explanation of diagrams.

reduced to nearly one-half of what it would be in the undisturbed condition, and that about twelve to thirteen years would be required to reduce the male herd to this condition of stability under constant killing. Taking such a herd as is considered in the construction of the diagrams, it would number about 80,000, equally divided between the two sexes, 20,000 being added by birth and the same number subtracted by death each year.

In order to represent more clearly the enormous herd of seals which it may be supposed at one time frequented the Pribilof Islands, undisturbed by man, these numbers may be multiplied so as to give a total of 3,000,000 seals, 750,000 being born every year and the same number dying from natural causes. Of the 1,500,000 females about 800,000 would be breeding, the remainder mostly too young to breed, a very small number being barren. Of the 1,500,000 males about 65,000 would be on the breeding rookeries, and the remainder, excluding the young just born, would haul out as 'holluschickie,' and would include 285,000 of a suitable age for killing, on account of the superior character and condition of their skins.

In undertaking to utilize the products of this herd for the good of man, the problem which is

Explanation of diagrams.

presented is to determine how many and what classes of seals may be taken annually without diminishing the number of births. As already stated, the solution consists in taking a limited number of male seals between certain ages, leaving a sufficient number of breeding males for the rookeries and guarding the females in the most careful manner. The investigation shows that in this assumed herd of three million 80,000 males may be taken annually between the ages of two and five years, and that the total number of males will be gradually reduced from 1,500,000 to about 880,000, thus diminishing the total of the herd from 3,000,000 to 2,380,000, after which no further reduction will take place.

One reason females are killed by pelagic sealers.

When it is remembered that of the 880,000 male seals remaining, 375,000 are the recently born young, and after making the same reduction of the total females (1,500,000) it will be seen that under these conditions the number of females is more than double the number of males and this fact alone would account for an excessive number of females taken by pelagic sealers.

Conclusions from diagrams.

An examination of the diagrams will show that the number of seals included in the class of breeding females is but little in excess of the number actually necessary for the maintenance of the birthrate, provided every seal is fruitful

every year. In the nature of things, this can not be expected, and the excess here existing is undoubtedly small enough to insure against loss. Although the allotment of one male to twelve females is believed to be less than the actual average in nature, the number of males allowed to escape the club is considerably in excess of that demanded on this supposition, and all of the hypotheses of the calculation are made to insure safety and perpetuity to the herd. Conclusions from diagrams.

The graphic representation of the condition of the herd serves also to emphasize the fact that when an attack is made on the life of the seal by destroying the females, the results of such destruction will be first noticed in a diminished number of killable males. The number of males being relatively small, any change is more readily observed, particularly since the killable males of the herd are the only seals in which the islanders are immediately interested. Effects shown by diagrams.

Having thus shown the possibility of continually taking a large number of male seals without the slightest danger to the herd, and also that the only harmless killing of female seals is that in which the barren only are destroyed, let us examine the nature of pelagic sealing and its results as compared with sealing on the islands.

SEAL KILLING ON THE PRIBILOF ISLANDS.

Possibility of restriction.

In reference to the latter it can be positively affirmed that it can be entirely controlled by man. The sex and age of the seals killed may be fixed by regulation and the number to be taken definitely determined in advance. In fact, it is difficult to imagine any operation of a similar character more perfectly controllable than this. Not only can the character of seal to be killed be rigorously prescribed, but the killing can be conducted in such a manner as to be least harmful to the remaining portion of the herds, and that freedom from disturbance during the breeding season which is so essential to the life of the seal can be assured.

Class of seals killed.

The only seals killed at the seal islands are nonbreeding males (under five or six years of age, called 'holluschickie'). They come up on the rookeries apart from the breeding seals, and large numbers are present by the latter part of May or first week in June, after which they constantly pass back and forth from the water to the hauling grounds. They are driven from the hauling grounds to the killing grounds by the native Aleuts, who have been trained in this work from generation to generation. Here the seals are divided into little groups. Those selected as of suitable size are killed by a blow on the head

Driving.

with a club, the others are allowed to go into the water and soon reappear on the hauling grounds. In this way about one hundred thousand young males have been killed annually on the Pribilof Islands for twenty years. Driving.

In addition to the commercial killing above described, a number of male pups were formerly killed each year to furnish food for the natives, but the killing of pups is now prohibited by the Government. Killing pups for food.

The only objections that have been urged against this mode of taking seals are such as relate to details of the operations as ordinarily carried on, any of which could be modified if it was found desirable to do so. Much stress has been laid upon the destructive effects of seal driving, and it has even been affirmed that when a male seal has once been 'driven' its reproductive powers are lost. Criticisms on manner of 'driving.'

While there is no doubt that in some instances excessive driving has been allowed, that seals have been driven further than is actually necessary, and that proper care has not been taken to eliminate the nonkillable seals as far as possible before the driving is well under way, those are matters that are so entirely under control that a proper adjustment may be secured at once.

Male seals not injured by 'driving.'

The assumption that driving is seriously injurious to the reproductive powers of the male is doubtless unfounded, being quite contrary to the declared belief of Captain Webster and other sealers of long experience. Against every assertion of this kind it is only necessary to put the fact that there is no evidence of a lack of virility on the rookeries, but, on the contrary, it is evident that there is a surplus of it at the present time, unless, indeed, it is assumed that harems are defended and held against the most ferocious attacks, often at a loss of much blood and muscle, by impotent seals.

Management.

Seal killing on the Pribilof Islands has been and is conducted on the theory outlined above, that the male seal only should be killed, and of these a limited number whose age falls within certain narrow limits, and that the female should be spared at all hazards. The same principle controls the killing on the Commander Islands, and, as far as we know, wherever and whenever the operation has been subjected to intelligent control. Where these restrictions have not been applied the life of the herd was generally short and the commercial destruction complete.

The picture presented by pelagic sealing is of a different character.

SEAL KILLING AT SEA OR PELAGIC SEALING.

Vessels and crew.

Pelagic sealing is carried on chiefly by means of schooners, each of which is provided with a crew of twenty to twenty-five men and several small boats for hunting. When seals are encountered the small boats put out and the hunting begins. If a seal is seen on the surface the hunter approaches it as quietly as possible, and when near enough shoots it with the shotgun or rifle; but most seals are shot as they rise within range of the boat. When a seal is shot the oarsman pulls toward it as rapidly as possible in the hope of reaching it before it sinks. By the aid of an iron hook on the end of a light pole many seals are secured after they have sunk below the surface but have not yet passed out of reach. Some of the sealing vessels use steam power, but most of them depend on sails.

Manner of hunting.

The gaff.

Indian hunters

Formerly, Indian crews were taken almost exclusively, and the spear was used instead of firearms, in order not to frighten the seals. This method had the great advantage of securing nearly all seals wounded. Now, both Indian and white hunters are employed, and the use of the spear has been almost wholly superseded by the use of firearms. The shotgun is used more than the rifle for the reason that fewer wounded seals are lost thereby.

Indian hunters.

In addition to the destruction wrought by the sealing schooners, pelagic sealing is still carried on along shore by the native Indians in their canoes, but the number of fur-seals thus killed is relatively small.

History.

Pelagic sealing has been carried on fortuitously and on a small scale for many years, but it was not until within the present decade that numerous vessels engaged systematically in the enterprise. The profits are so great in comparison with the capital invested that, as the results of the annual catch became known each year, a constantly increasing number of vessels was led to engage in the industry, with a corresponding increase in the number of seals killed in the open sea. The fur-seals which move northward along the coast of the Northwestern United States, British Columbia, and southeastern Alaska from January until late in June are chiefly pregnant females, and about ninety per cent of the adult seals killed by pelagic sealers in the North Pacific are females heavy with young.

Destruction of female seals.

Pelagic sealers enter Bering Sea.

For several years the pelagic sealers were content to pursue their destructive work in the North Pacific, but of late they have entered Bering Sea, where they continue to capture seals in the water throughout the entire summer. The

females killed during this period are giving milk, and are away from the islands in search of food. Their young starve to death on the rookeries. We saw vast numbers of dead pups on the island of St. Paul last summer (1891), which, from their emaciated condition, had evidently died of starvation. The total number of their carcasses remaining on the Pribilof Islands at the end of the season of 1891 has been estimated by the United States Treasury agents at not less than twenty thousand.

Nursing females killed.

Dead pups on the rookeries.

Pelagic sealing is now carried on in the North Pacific Ocean from January until late in June, and in Bering Sea in July, August, and September. Some sealing schooners remain as late as November, but they do so for the purpose of raiding the rookeries.

Bering Sea sealing season.

The number of seals secured by pelagic sealers is exceedingly difficult to ascertain, because no complete record has been kept of any except those sold in Victoria, British Columbia. Many thousands have been sold in San Francisco, concerning which we have not been able as yet to obtain reliable information.

Catch of sealing vessels.

The number of seal skins actually recorded as sold as a result of pelagic sealing is shown in the following table:*

Year	No. of skins	Year.	No. of skins.
1872	1,029	1882	17,700
1873	.....	1883	9,195
1874	4,949	1884	†14,000
1875	1,646	1885	13,000
1876	2,042	1886	38,907
1877	5,700	1887	33,800
1878	9,593	1888	37,789
1879	12,500+	1889	40,998
1880	13,600	1890	48,519
1881	13,541	1891	62,500

†Number estimated from value given.

Indiscriminate killing.

It can not be denied that in pelagic sealing there can be no selective killing, as far as individual seals are concerned, and only in a limited degree by restricting it as to place and time. It necessarily follows that female seals must be killed and seals whose skins owing to age and condition are much less desirable. As

* The figures for the years 1872 to 1876, inclusive, and 1891, are from the London Trade Sales. Those from 1877 to 1887, inclusive, are from the official reports of the Minister of Marine and Fisheries of Canada, and probably fall short of the actual catch, because the catch of the United States vessels is not included. The figures for 1888 are from the same source (26,983) plus the United States pelagic catch (9,806), as stated in the Report of the United States Commissioner of Fish and Fisheries for that year. The figures for the years 1889 and 1890 are from the Canadian Fisheries Reports, and comprise both the catch of the Canadian fleet (33,570 for 1889 and 44,750 for 1890) and of other vessels which sold their skins in Victoria, British Columbia (7,428 in 1889 and 3,768 in 1890). The catch of American vessels sold in San Francisco is not included.

a matter of fact, there is sufficient evidence to convince us that by far the greater part of the seals taken at sea are females; indeed, we have yet to meet with any evidence to the contrary. The statements of those who have had occasion to examine the catch of pelagic sealers might be quoted to almost any extent to the effect that at least eighty percent of the seals thus taken are females. On one occasion we examined a pile of skins picked out at random, and which we have every reason to believe was a part of a pelagic catch, and found them nearly all females. When the sealers themselves are not influenced by the feeling that they are testifying against their own interests they give similar testimony. The master of the sealing schooner *J. G. Swan* declared that in the catch of 1890, when he secured several hundred seals, the proportion of females to males was about four to one, and on one occasion in a lot of sixty seals, as a matter of curiosity he counted the number of females with young, finding forty-seven.

Percentage of females in catch.

Evidence on this point might be extended indefinitely, but one or two additional references will be valuable. The following is from Messrs. C. M. Lampson & Co., of London, the most extensive dealers in furs in the world, and everywhere

Letter of C. M. Lampson & Co.

Letter of C. M. Lampson & Co.

recognized as a high authority on this question. Referring to the regular supply of fur-seals that had for many years come into the market from the vicinity of Vancouver Island, they remark:

"The quantity, we should say, has averaged at least ten thousand per annum. This catch takes place in the months of March and April, and we believe that the animals from which these skins are derived are females of the Alaska seals, just the same as those caught in the Bering Sea. Had this quantity been materially increased we feel sure that the breeding on the Pribilof Islands would have suffered more before now, but, fortunately, the catch must necessarily be a limited one, owing to the stormy time of the year at which it is made and the dangerous coast where the seals, only for a short time, are found. It must, however, be evident that if these animals were followed into the Bering Sea and hunted down in a calm sea in the quietest months of the year, a practically unlimited quantity of females might be taken, and, as you say, it would be only a few years till the Alaska seal was a thing of the past." (Extract from a letter addressed to C. A. Williams, esq., August 22, 1888.)

Opinion of Sir George Baden-Powell.

Essentially the same view is held by so well known an authority as Sir George Baden-Powell, after having visited the western coast and thoroughly investigated the question, as he says, from the point of view of natural history, in a letter written by him to the London Times in November, 1889. Among other things, relating to the Bering Sea question, he says: "As a matter of fact, the Canadian sealers take very few, if any, seals close to these islands. Their main catch is made far out at sea and is almost entirely composed of females."

The London Trade Sales.

In addition to evidence of this kind, the records of the London Trade Sales may be cited. In these the pelagic catch in Bering Sea and the North Pacific is quoted under the title "Northwest Coast," and the character of the skins is conclusively shown by the fact that their market price is invariably very much lower than that of the island catch quoted under the title of "Alaska skins."

Waste of life.

An important element in determining the effect of pelagic sealing is its wastefulness, growing out of the loss of many seals at sea by their being wounded so that they either die and sink at once or escape without being taken, only to die soon after. When female seals are

Waste of life.

thus lost—and the great majority are shown to be females—a serious wound is inflicted upon the herd, without the gain of so much as a single skin.

Great numbers wounded.

While there is much difference of opinion as to the relation of the number of seals lost in this way to the number taken, no one denies that some loss occurs. That seals are often wounded without being taken, is proved by the frequent finding of bullets and shot in the bodies of seals killed on the islands. As no females are killed there, and as those seals of either sex that are wounded to death at sea, but not secured, can never be appealed to as witnesses, the extent of the injury from this source must be more or less a matter of inference. The only direct testimony is that which must be furnished by those engaged in pelagic sealing, and in this matter they are personally interested to such an extent as to render their evidence of uncertain value. Such as we were able to examine on this point ventured the opinion that about one-third of those killed were lost. Captain Webster declares it to be his belief that about one-third of the number killed were saved. Doubtless much depends on the method of killing, the use of spears being thought to be much less wasteful than that of rifle

Percentage of seals lost.

or shotgun. Guns, however, are now generally employed by the hunters Many persons who have had opportunities for acquiring information on this question by conference with pelagic sealers, Indian and white, or from other sources, have declared that the loss is very much greater, putting the number of seals lost to those recovered as five to one or ten to one, or even higher. In the absence of more certain knowledge, it is our judgment, based on the best information available, that such estimates are exaggerated, but there can be no doubt that the loss from this source is real and serious, and that it must be taken into account in any estimate of the effects of pelagic sealing.

Percentage of seals lost.

Pelagic sealing as an industry is of recent origin, and may be said to date from 1879. In 1880, according to the official report of the Canadian Minister of Marine and Fisheries, 7 vessels and 213 men were engaged in pelagic sealing in the North Pacific, securing 13,600 skins, valued at $163,200. The same authority states that in 1886, 20 vessels and 459 men secured 38,907 skins, valued at $389,070. In 1891 the number of United States and Canadian vessels had increased to over 100; upwards of 2,000 men were engaged, and more than 62,000 skins were secured.

Growth of pelagic sealing.

Growth of pelagic sealing.

Thus it appears that for ten years after the Alaska purchase the fur-seals of the Pribilof Islands were practically undisturbed in passing to and from their breeding grounds; that in 1879, 7 vessels and 213 men attacked them in the sea along the Northwest Coast, securing 13,600 skins; that the industry proved so remunerative that in twelve years the number of vessels had increased from 7 to over 100; the men from 213 to upwards of 2,000, and the skins secured from 13,600 to more than 62,000! One of the effects of this slaughter was the appearance on the rookeries upon the islands of thousands upon thousands of dead pups, starvation resulting from the loss of their mothers who went out in search of food but never returned. A glance upon the chart showing the location of the sealing schooners when warned out of the sea by Government vessels will throw much light on the wholesale, not to say inhuman, destruction of young seals.

Comparison of sealing on land and at sea.

Finally, in comparing the operation of taking seals on land with pelagic sealing, it is important to observe that in the latter there is no possible way in which the *number* of seals taken can be controlled. While limitations of time and place might restrict the number captured by one hunter, increase in the number of hunters, which

it is practically impossible to prevent, would quickly render such restriction valueless. As long as hunting was profitable it would be followed, and the profit considered would be that which is immediate. Hundreds of schooners under private direction would have little thought of the good of the many, and the effort of every individual would be to take as many seals as possible during the season, regardless of sex, age, or condition, for next year there may be no seals to take.

Comparison of sealing on land and at sea.

Either pelagic sealing or killing on land must bear the responsibility for the decadence in seal life which has taken place during the last few years, and this decadence is known to have occurred contemporaneously with the development of pelagic sealing from a comparatively trifling industry (practiced mostly by Indians and confined almost entirely to the North Pacific coast) to its present magnitude, such that, despite the presence of a considerable fleet of vessels of both the United States and Great Britain patrolling Bering Sea to declare it unlawful and to arrest those engaged in it, a pelagic catch of over sixty thousand seals was had in a single season. In view of this fact, and of the careful comparison which we have made of the two methods of taking seals, on land and at sea, and

Decrease of herd caused by pelagic sealing.

Decrease of herd caused by pelagic sealing.

of their effects on the seal herd, we feel justified in declaring our belief that the great diminution in the number of seals on and frequenting the Pribilof Islands, which has been observed during the past few years, must be attributed to the evil effects of pelagic sealing.

Prohibition of pelagic sealing necessary.

Having found the source of the evil, it is easy to determine the remedy. The principal measure necessary for the protection and preservation of seal life in Bering Sea is one which must practically prohibit pelagic sealing. Argument on this point is unnecessary if we have succeeded in establishing the propositions already laid down in this report. It may be worth while, however, to refer briefly to one or two plans, restrictive as to time and place, which have been offered as a solution of this problem. It is evident that any scheme that contemplates continued license to pelagic sealing, even in a much restricted form, is not the logical outcome of the facts and circumstances as they exist to-day, and must fall short of accomplishing the desired result.

Limited protection inadequate.

A zone of prohibition inadequate.

Among other plans that have been suggested, is the establishment of a zone surrounding the islands outside of which pelagic sealing might be allowed and inside of which no sealing vessels should be permitted to go. This plan has the advantage of being satisfactory, if properly

executed. If the radius of this protected area is great enough to insure the exclusion of pelagic sealers from Bering Sea and the North Pacific Ocean it would be entirely acceptable. But when a radius of ten miles or of thirty or even fifty miles is suggested, the impression is strong that such a proposition is not intended to be seriously considered. An examination of the chart showing the location of sealers when warned in the summer of 1891 will show that they are widely distributed. On the occasion of our visit to the Pribilof Islands in July and August of that year seals appeared in considerable numbers while we were from one hundred and fifty to one hundred and seventy-five miles from the islands, and many were seen up to the time of our reaching the islands.

A zone of prohibition inadequate.

The possibility of properly executing any proposed scheme of protection must also have great weight in determining its value. For instance, a proposal to permit pelagic sealing with the condition that only barren females were to be hunted and killed would be quite free from objection, for if all such were destroyed the herd would not suffer. But the absurdity of such a proposition is at once evident to all who are familiar with the elements of the problem. The difficulty

Discrimination by pelagic sealers impossible.

Impossible to maintain a zone.

in maintaining a protected zone about the islands, the radius of which shall be comparatively small, will be clear to all who know the conditions prevailing in that part of the world. There is almost constant cloudiness and dense fog, and it is difficult for a vessel to know her own location within reasonable limits after having cruised about for a short time. The margin of uncertainty would be nearly as wide as the zone itself. Often the navigator receives his first information regarding the nearness to the islands by hearing the cries of the seals on the rookeries, which he can not see. Under such circumstances few arrests would be made of trespassing vessels that could not make a plausible plea in self-defense. In most cases it would be difficult to prove that the sealer was actually within the forbidden area.

A close season.

A more reasonable proposition is that involving a close time. A regulation fixing dates between which pelagic sealing would be everywhere forbidden would be of easy execution compared with the zonal restrictions. But, as already stated, to be of value it must be of such a nature as to practically prohibit the taking of seals at sea.

But it must practically prohibit.

Other remedies of no avail.

Other remedies have been proposed, but when examined they are found to have the vital defect of licensing or legitimatizing the evil practice

which has already resulted so disastrously, and without any adequate means of controlling the magnitude of its developments. In short, if we do not wish the history of the fur-seal in Bering Sea to be a repetition of that of the rookeries of the Southern Ocean and of other localities where seals once flourished, measures adequate to the existing evil, heroic, if need be, must be adopted. In 1889, Prof. W. H. Flower, director of the Natural History Museum, London, wrote as follows, after referring to the total annihilation of the rookeries of the south seas: "Owing to the ruthless and indiscriminate slaughter carried on by ignorant and lawless sealers regardless of everything but immediate profit," he says, "The only spot in the world where fur-seals are now found in their original or even increased numbers is the Pribilof group, a circumstance entirely owing to the rigid enforcement of the wise regulations of the Alaska Commercial Company, which are based on a thorough knowledge of the habits of the animals. But for this the fur-seal might before now have been added to the long list of animals exterminated from the earth by the hand of man."

Other remedies of no avail.

Prof. W. H. Flower.

Less than three years have elapsed, and the catastrophe here hinted at is well under way. Its progress can be arrested only, we believe, by

Progress of extermination.

Progress of extermination.

the acceptance of the principles stated above, which are the logical deductions from established facts.

Raids on the rookeries.

It may be worth while to add that the suggestion has been made that the decrease in the number of seals is due to piratical raids upon the islands themselves during the breeding season.

Comparison of raids and pelagic sealing.

While it is unquestionably true that such raids have occasionally occurred during the past, and that some skins have been obtained in that way, the number of these is so trifling in comparison with the annual pelagic catch as not to affect in any way the question under consideration. It is also difficult for one familiar with the rookeries and the habits of the seal to conceive of a raid being made without its becoming known to the officers in charge of the operations upon the islands. The "raid theory," therefore, may be dismissed as unworthy, in our judgment, of serious consideration.

Recommendation as to management of islands.

In addition to the establishment of such regulations as would practically suppress pelagic sealing, it is strongly recommended that killing on the islands be subjected to somewhat more strict and competent supervision. While it is not believed that any serious consequences have resulted from looseness in this respect, the inter-

ests involved are so important, and in some respects so complicated, that too much care can not be given to the selection of the proper persons to be intrusted with their conservation. The practice of frequent changes in the Government agents is deplorable. They should be so familiar through association and observation with the appearance of the various rookeries as to be the first to notice any changes which may take place. They will thus be enabled to determine annually the number of seals which may be taken with safety and from what rookeries, whether the driving is properly conducted, etc, and their whole efforts should be directed to the preservation of the seal herd in its normal condition.

Recommendation as to management of islands.

SUMMARY.

Conclusions.

The number of seals frequenting the Pribilof Islands has greatly diminished during the past few years.

Seals have decreased.

Proofs.—The physical condition of the rookeries and the testimony of natives and of Government officers and Company agents who have resided upon the islands for many years.

The decrease in the number of seals is the result of the evil effects of pelagic sealing.

Decrease caused by pelagic sealing.

Proofs.—The seal is polygamous; many males may be killed without injury to the reproductive forces, but no females, except the barren. Killing on land may be and is selective; no females are killed. Pelagic sealing is not and can not be selective; a majority of seals killed are females. The presence of dead pups in great numbers on the rookeries last year proves that their mothers had been killed at sea while in search of food. Thus, for nearly every skin taken two seals were killed, to say nothing of wastefulness through failure to recover seals shot at sea.

There is no evidence of a lack of virile males on the rookeries.

Suppress pelagic sealing.

Remedy.—The suppression of pelagic sealing.

When this is secured, the Government, insisting on a strict enforcement of its regulations through the agency of responsible and competent officers, can render this industry, so important and valuable to all the civilized world, as nearly perpetual as it is possible for man to determine.

THOMAS C. MENDENHALL.
C. HART MERRIAM.

WASHINGTON, *April 15, 1892.*

Appendix A.

SEALS SINK WHEN KILLED IN THE WATER.

It is well known that seals in general sink when killed in the water. To prevent the loss of such seals various devices are employed. In the Newfoundland and Labrador seal fisheries the great majority of the seals killed are taken on the ice, but some are shot in the water. In order to secure the latter, each hunter is provided with a reel of stout cord, to which is attached a lead weight bearing several large hooks. When a seal has been shot, the hunter holds the coil of loose cord in one hand and swings the weight with the other until it attains sufficient momentum, when he lets it fly in the direction of the seal, hoping to overreach the animal, in which case the lead weight carries the hooks rapidly downward on the far side of the seal. By means of a strong pull on the cord, the hooks are made to take hold of the seal and he is drawn in.

Hair-seals.

In the North Pacific, the pelagic sealers are provided with slender poles, each bearing an iron hook at one end, with which they secure many seals that have begun to sink. In order

Fur-seals.

Fur-seals. to use this pole, the hunter in his boat approaches the seal to within shotgun range; after firing, the oarsman propels the boat rapidly to the spot, thus enabling the hunter in an uncertain percentage of cases to reach the seal with his gaff.

Hair-seals. Mr. Hinckelmann, Royal Superintendent of Fisheries, in an article entitled "Injuries to the Fisheries in the Baltic by Seals," states: "The seal when mortally wounded invariably sinks to the bottom, where, at least in deep water, it can not be reached. . . . The huntsman can only in very rare cases prove that his shot has been successful, as the dead seal can not be taken from the surface of the water, but sinks to the bottom." (Translated in Bull. U. S. Fish Commission, Vol. VII, for 1887–1889, p. 81.)

Antarctic fur-seals. Captain Musgrave, who was shipwrecked on the Auckland Islands, and for a year and a half subsisted largely on the flesh of seals and sea-lions, states: "When they are killed in the water they sink like a stone." (Quoted by R. A. A. Sherrin in "Handbook of the Fisheries of New Zealand," 1886, p. 248.)

Hair-seals. Payer and Copeland, in their account of "Hunting and Animal Life in East Greenland," state respecting seals: "When dead they sink very quickly." (The Zoölogist, No. 124, 1876, p. 4744.)

Hair-seals.

Robert Warren, in a note in The Zoölogist for 1880 (3d series, Vol. IV, pp. 358–359) states that a gray seal (*Halicharus gryphus*) was shot in Killala Bay while in the act of devouring a fine salmon. "On receiving the ball through the hinder part of his head, he sunk out of sight, but was thrown ashore by the next tide, and even then retained a part of the salmon between his jaws."

Reason seals sink.

The reason seals in general sink when killed in the water is that the specific gravity of their flesh and bones collectively is considerably greater than that of water, while the specific gravity of the layer of fat beneath the skin is less than that of water. This layer of blubber is much thicker in the hair-seals than in the fur-seals, but is not thick enough to float the body; consequently, even the hair-seals sink when killed at sea. It is true that a certain percentage of seals killed in the water float long enough to be recovered. Such seals, as a rule, are shot through the lungs, permitting enough air to escape from the lungs into the body cavity and wounded tissues to cause them to float. Pelagic sealers admit that seals shot in the head, when the rest of the body is under water, are almost certain to sink before they can be reached.

Appendix B.

DATES OF ARRIVALS OF FUR-SEALS AT PRIBILOF ISLANDS, 1871-1891.

First arrival of bulls, cows, and pups at St. Paul Island, Bering Sea, 1872–1891, inclusive (from the official record).

Year.	Bulls.	Cows.	Pups.
1872	May 13	June 3	June 13
1873	Apr. 24	8	25
1874	23	May 24	†11
1875	28	June 7	10
1876	May 3	5	No record.
1877	17	May 25	May 29
1878	6	June 8	No record.
1879	Apr. 29	16	June 18
1880	Apr. 30	No record*	10
1881	May 5	June 8	12
1882	26	No record*	No record.
1883	May 6	....do	do.
1884	Apr. 30	....do	do.
1885	27	....do	do.
1886	16	....do	do.
1887	May 1	....do	do.
1888	1	....do	May 21
1889	3	June ‡10	June ‡10
1890	Apr. 28	6	10
1891	May 1	11	13

*On June 21 rookeries rapidly filling up.
†"Arriving in fair numbers."
‡"Good many reported."

First arrival of bulls, cows, and pups at St. George Island, Bering Sea, 1871–1891, inclusive (from the official record).

Year.	Bulls.	Cows.	Pups.
1871	May 4	No record.	No record.
1872	6	....do	do.
1873	10	....do	do.
1874	1	June 7	June 7
1875	Apr. 26	9	No record.
1876	Feb. 15*	13	do.
1877	May 8	8	do.
1878	10	No record.	do.
1879	10	June 9	do.
1880	1	No record.	do.
1881	6	June 9	June 9
1882	2	9	11
1883	7	6	6
1884	4	7	10
1885	Apr. 29	1	No record.
1886	May 4	8	June 8
1887	7	No record.	No record.
1888	8	.....	May 31
1889	5	May 31	No record.
1890	Apr. 26	No record.	do.
1891	May 5	June 3	June 10

*Large numbers in water.

Appendix C.

YOUNG SEALS ARE BORN ON LAND OR ICE; DO NOT SWIM AT FIRST, AND CAN NOT NURSE IN THE WATER.

All seals born on land or ice.

No species of seal in any part of the world gives birth to its young in the water, either among the sea-bears and sea-lions (*Otariidæ*) or among the true seals (*Phocidæ*.) In the great majority of species the young are brought forth on rocks along the shore, but in a few kinds of hair-seals, notably the harps and hoods, they are born on the ice floes of the far north.

Nursing impossible in water.

Not only are all kinds of seals born on land (or ice), but they remain there while nursing, for seals can not suckle their young in the sea; the young are unable to hold their breath long, and would drown if they attempted to nurse in the water.

Young seals dread the water.

However strange it may seem to those unfamiliar with the facts, all young seals are afraid of the water at first and enter it with great reluctance. At the island of St. Paul, in August, we have seen mother seals take their young by the skin of the

Young seals dread the water.

back and carry them out into the water, much against the will of the young, and have seen this repeated several times before the young were permitted to land, which they did in a state of great excitement and fatigue. Captain Bryant, who spent many years at the Pribilof Islands as chief Government agent, states: "It seems strange that an animal like this, born to live in the water for the greater portion of its life, should be at first helpless in what seems to be its natural element, yet these young seals if put into it before they are five or six weeks old will drown as quickly as a young chicken. They are somewhat slow, too, in learning to swim, using at first only the fore flippers, carrying the hind ones rigidly extended and partially above water. As soon as they are able to swim (usually about the last week of August) they move from the breeding places on the exposed points and headlands to the coves and bays, where they are sheltered from the heavy surf, and where there are low sand beaches. (Bryant in Allen's Pinnipeds, 1880, p. 387.)

Captain Musgrave, who was shipwrecked on the Auckland Isles for more than a year and a half, has published some important notes respecting the sea-lions of those islands. Concerning the young, he states: "It might be supposed

that these animals, even when young, would readily go into the water—that being one of their natural instincts, but, strange to say, such is not the case; it is only with the greatest difficulty and a wonderful display of patience, that the mother succeeds in getting her young in for the first time. I have known a cow to be three days getting her calves down half a mile and into the water, and, what is most surprising of all, it can not swim when it is in the water."

Young seals dread the water.

Appendix D.

NATURAL ENEMIES.

The killer-whale.

The only important enemy of the fur-seal known to man is the killer-whale (*Orca gladiator*). These killers visit the islands on their way north about the end of April, and return in September. In the fall they hug the shore, keeping in the kelp or moving about the rocks as near inshore as they find sufficient water to float in. They are sometimes seen in squads circling round and round the islands, catching young pups by dozens. At first the pups are said to pay no attention to the enemy, sometimes swimming right into the killer's mouth, but before the end of the season they learn what the presence of the killer means, and rush out of the water and up on the rocks whenever one comes near shore. The killers generally arrive early in September, and remain as long as the pups stay, which is usually until the latter part of November.

Appendix E.

FOOD OF THE FUR-SEAL.

CONTENTS OF STOMACHS OF FUR-SEALS KILLED AT THE PRIBILOF ISLANDS.

August 1–3, 1891.

Examination made on Pribilof Islands.

One hundred and eighteen stomachs of fur-seals were examined jointly by the United States and British Bering Sea Commissioners at St. Paul and St. George Islands, August 1 and August 3, 1891, with the following results:

Contents of stomachs.

All the stomachs were opened immediately after the seals were killed. Ninety-three out of the one hundred and eighteen were empty, except for the presence of a little mucus, bile, frothy slime, dark brownish blood, and parasitic worms. Blood in some form was present in five stomachs, and nematode worms about three inches in length were found in most of the stomachs opened.

Twenty contained pebbles, or pebbles and beach-worn shells, either alone or in connection with other contents, the quantity varying from from a single small pebble to a handful.

Contents of stomachs.

Four contained beaks of squid or cuttlefish (identified by Dr. William H. Dall as probably *Gonatus fabricii*), of which three sets were in one stomach, two sets in another, and one each in the remaining two.

Two contained fish bones, of which one consisted of the vertebræ and a few other bones of a cod (*Gaddus morrhua*); the other the ear bones of a similar fish.

One contained a large Isopod crustacean (identified by Prof. Sidney I. Smith as "apparently a species of *Rocinela*, a genus very close to Æga").

One contained a small bit of kelp.

CONTENTS OF STOMACHS OF FUR-SEALS KILLED IN THE NORTH PACIFIC OCEAN.

April 22–May 1, 1892.

Examination made at Washington, D. C.

The stomachs of 104 fur-seals killed by pelagic sealers in the North Pacific off southeastern Alaska, April 22–May 1, 1892, between latitude 56° 45′ and 58° 58′, and mostly sixty to eighty miles from shore, were examined by the naturalist of the United States Fish Commission steamer *Albatross*. Of the 104 stomachs, 67, or 64.4 per cent. were empty. Of the remaining 37, 30 contained 37 fishes and 18 contained 728 squids or cuttlefish.

Contents of stomachs.

Most of the stomachs containing food have been submitted to us for examination, and the fishes have been identified by Dr. Tarleton H. Bean, Ichthyologist of the United States Fish Commission.

Of the 30 containing fishes, 15 contained red rock fish or rock cod (*Sebastichthys*, 5 of which were found in 1 stomach, making 19 in all), 2 contained salmon, 2 pollock (*Pollachius chalcogrammus*), 2 ling, 1 stickleback (*Gasterosteus cataphractus*), and 9 small fishes too much digested to admit of ready identification. Two contained pebbles, and several intestinal worms.

Although squids were found in only 18 of the 37 stomachs containing food, a large number were generally found in each stomach—as many as 419 beaks in one instance, and 319 in another. In all, 1,456 beaks, representing 728 squids, were found in the 18 stomachs, an average of 40½ to each seal. Owing to the small size of the individual beaks, particularly those of the younger squids, many were probably lost in emptying and transferring the stomach contents, so that the number here given is certainly below the number originally contained.

Conclusion as to food and feeding.

The examination of these stomachs shows that the fur-seals are chiefly surface feeders, the only food found from moderate depths being the red rock fish or rock cod (*Sebastichthys*), of which all the specimens obtained belong to a species of whose haunts and habits nothing is known.

NOTE.—Appendix E, on the food of the fur-seal, has been completed since the foregoing report and Appendices A to D were written.

THOMAS C. MENDENHALL.
C. HART MERRIAM.

WASHINGTON, D. C., *June 30, 1892.*

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FUR-SEAL ARBITRATION.

APPENDIX

TO

THE CASE OF THE UNITED STATES

BEFORE THE

TRIBUNAL OF ARBITRATION

TO CONVENE AT PARIS

UNDER THE

PROVISIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, CONCLUDED FEBRUARY 29, 1892.

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TREATY OF ARBITRATION OF 1892.

A convention between the Governments of the United States and Her Britannic Majesty, submitting to arbitration the questions which have arisen between those Governments concerning the jurisdictional rights of the United States in the waters of Behring Sea.

[*Concluded at Washington February 29, 1892. Ratification advised by the Senate March 29, 1892. Ratified by the President April 22, 1892. Ratifications exchanged May 7, 1892. Proclaimed May 9, 1892.*]

Purpose.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for an amicable settlement of the questions which have arisen between their respective governments concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, have resolved to submit to arbitration the questions involved, and to the end of concluding a convention for that purpose have appointed as their respective Plenipotentiaries:

Plenipotentiaries.

The President of the United States of America, James G. Blaine, Secretary of State of the United States; and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, G. C. M. G., K. C. B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and concluded the following articles.

Article I.

Tribunal.

The questions which have arisen between the Government of the United States and the Government of Her Britannic Majesty concerning the jurisdictional rights of the United States in the waters of the Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, shall be submitted to a tribunal of Arbitration, to be composed of seven Arbitrators, who shall be appointed in the following manner, that is to say: Two shall be named by the President of the United States; two shall be named by Her Britannic Majesty; His Excellency

the President of the French Republic shall be jointly requested by the High Contracting Parties to name one; His Majesty the King of Italy shall be so requested to name one; and His Majesty the King of Sweden and Norway shall be so requested to name one. The seven Arbitrators to be so named shall be jurists of distinguished reputation in their respective countries; and the selecting Powers shall be requested to choose, if possible, jurists who are acquainted with the English language.

In case of the death, absence or incapacity to serve of any or either of the said Arbitrators, or in the event of any or either of the said Arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, as the case may be, shall name, or shall be requested to name forthwith another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And in the event of a refusal or omission for two months after receipt of the joint request from the High Contracting Parties of His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, to name an Arbitrator, either to fill the original appointment or to fill a vacancy as above provided, then in such case the appointment shall be made or the vacancy shall be filled in such manner as the High Contracting Parties shall agree.

Article II.

Place and time of meeting.

The Arbitrators shall meet at Paris within twenty days after the delivery of the counter cases mentioned in Article IV, and shall proceed impartially and carefully to examine and decide the questions that have been or shall be laid before them as herein provided on the part of the Governments of the United States and Her Britannic Majesty respectively. All questions considered by the tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Agents.

Each of the High Contracting Parties shall also name one person to attend the tribunal as its Agent to represent it generally in all matters connected with the arbitration.

Article III.

Printed Case and documents.

The printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other party as soon as may be after the appointment of the members of the tribunal, but within a period not exceeding four months from the date of the exchange of the ratifications of this treaty.

Article IV.

Counter Case.

Within three months after the delivery on both sides of the printed case either party may, in like manner deliver in duplicate to each of the said Arbitrators, and to the Agent of the other party, a counter case, and additional documents, corre-

spondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

If, however, in consequence of the distance of the place from which the evidence to be presented is to be procured, either party shall, within thirty days after the receipt by its agent of the case of the other party, give notice to the other party that it requires additional time for the delivery of such counter case, documents, correspondence, and evidence, such additional time so indicated, but not exceeding sixty days beyond the three months in this Article provided, shall be allowed. Extension of time.

If in the case submitted to the Arbitrators either party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the case; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice. Production of documents.

ARTICLE V.

It shall be the duty of the Agent of each party, within one month after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said Arbitrators and to the agent of the other party a printed argument showing the points and referring to the evidence upon which his Government relies, and either party may also support the same before the Arbitrators by oral argument of counsel; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel, upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be. Argument.

ARTICLE VI.

In deciding the matters submitted to the Arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision upon each of said five points, to wit: Questions submitted.

1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said Treaty?

4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that Treaty?

5. Has the United States any right, and if so, what right of protec-

tion or property in the fur seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary three-mile limit?

Article VII.

Regulations for protection of seals.

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring Sea, the Arbitrators shall then determine what concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such Regulations should extend, and to aid them in that determination the report of a Joint Commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit.

The High Contracting Parties furthermore agree to coöperate in securing the adhesion of other Powers to such Regulations.

Article VIII.

Question of fact may be submitted.

The High Contracting Parties having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it; and being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

Article IX.

Joint Commission to investigate seal life.

The High Contracting Parties have agreed to appoint two Commissioners on the part of each Government to make the joint investigation and report contemplated in the preceding Article VII, and to include the terms of the said Agreement in the present Convention, to the end that the joint and several reports and recommendations of said Commissioners may be in due form submitted to the Arbitrators should the contingency therefor arise, the said Agreement is accordingly herein included as follows:

Each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Governments all the facts having relation to seal life in Behring's Sea, and the measures necessary for its proper protection and preservation.

The four Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

These reports shall not be made public until they shall be submitted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators can not arise.

ARTICLE X.

Each Government shall pay the expenses of its members of the Joint Commission in the investigation referred to in the preceding Article. Expenses of Joint Commission.

ARTICLE XI.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides. Decision.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The decision shall be in duplicate, one copy whereof shall be delivered to the Agent of the United States for his Government, and the other copy shall be delivered to the Agent of Great Britain for his Government.

ARTICLE XII.

Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it and of the Arbitrators appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the Arbitration shall be defrayed by the two Governments in equal moieties. Other expenses.

ARTICLE XIII.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them. Record of proceedings.

ARTICLE XIV.

The High Contracting Parties engage to consider the result of the proceedings of the tribunal of arbitration, as a full, perfect, and final settlement of all the questions referred to the Arbitrators. Result final.

ARTICLE XV.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratification shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible. Ratification.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington the twenty-ninth day of February, one thousand eight hundred and ninety-two.

JAMES G. BLAINE [SEAL]
JULIAN PAUNCEFOTE [SEAL]

MODUS VIVENDI OF 1892.

Convention between the United States of America and Great Britain for the renewal of the existing "modus vivendi" in Behring Sea.

Preamble.

Whereas by a Convention concluded between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the twenty-ninth day of February, one thousand eight hundred and ninety-two, the High Contracting Parties have agreed to submit to Arbitration, as therein stated, the questions which have arisen between them concerning the jurisdictional rights of the United States in the waters of Behring's Sea and concerning also the preservation of the fur-seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of the fur-seal in, or habitually resorting to, the said waters; and whereas the High Contracting Parties, having differed as to what restrictive Regulations for seal-hunting are necessary, during the pendency of such Arbitration, have agreed to adjust such difference in manner hereinafter mentioned, and without prejudice to the rights of either party:

Plenipotentiaries.

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honorable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States;

Who, after having communicated to each other their respective full powers, found in due and good form, have agreed upon and concluded the following articles:

Article I.

Great Britain will prohibit seal killing at sea.

Her Majesty's Government will prohibit, during the pendency of the Arbitration, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in Article No. I of the Treaty of 1867 between the United States and Russia, and will promptly use its best efforts to ensure the observance of this prohibition by British subjects and vessels.

Article II.

The United States Government will prohibit seal-killing for the same period in the same part of Behring's Sea, and on the shores and islands thereof, the property of the United States (in excess of seven thousand five hundred to be taken on the islands for the subsistence of the natives), and will promptly use its best efforts to ensure the observance of this prohibition by United States citizens and vessels.

United States will prohibit seal killing on land.

Article III.

Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the Nation to which they respectively belong, who alone shall have jurisdiction to try the offence and impose the penalties for the same. The witnesses and proof necessary to establish the offence shall also be sent with them.

Seizure of vessels.

Article IV.

In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case and arguments of that Government before the Arbitrators, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application to visit or remain upon the Seal Islands during the sealing season for that purpose.

British agents may visit Seal Islands.

Article V.

If the result of the Arbitration be to affirm the right of British sealers to take seals in Behring Sea within the bounds claimed by the United States, under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the Arbitration upon the basis of such a regulated and limited catch or catches as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal-herds; and, on the other hand, if the result of the Arbitration shall be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens and lessees) for this agreement to limit the island catch to seven thousand five hundred a season, upon the basis of the difference between this number and such larger catch as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal-herds.

Question of damages.

The amount awarded, if any, in either case shall be such as under all the circumstances is just and equitable, and shall be promptly paid.

ARTICLE VI.

Denunciation.

This Convention may be denounced by either of the High Contracting Parties at any time after the thirty-first day of October, one thousand eight hundred and ninety-three, on giving to the other Party two months notice of its termination; and at the expiration of such notice the Convention shall cease to be in force.

ARTICLE VII.

Ratification.

The present Convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London as early as possible.

In faith whereof, we, the respective Plenipotentiaries have signed this Convention and have hereunto affixed our Seals.

Done in duplicate at Washington, this eighteenth day of April, one thousand eight hundred and ninety-two.

JAMES G. BLAINE, [SEAL]
JULIAN PAUNCEFOTE. [SEAL]

ADDITIONAL FACTS RELATING TO THE RUSSIAN AMERICAN COMPANY.

The Russian American Company was the outgrowth of the numerous trading associations which, soon after the discovery of Bering Island in 1741, began to develop the fur trade of the Aleutian Islands and Bering Sea.[1]

It was largely through the efforts of Grigor Ivanovitch Shelikof that these associations with their conflicting interests were eventually united; he did not, however, live to see the result of his work. He appears first on the scene as a trader on the Kurile and Aleutian Islands. Later he formed a partnership with one Golikof, and for several years this firm figured prominently in the prosecution of the fur trade of those regions and on the coast of the American continent. In 1784 he reached the island of Kadiak, which he proceeded to explore with reference to its hunting grounds. Notwithstanding numerous conflicts with the natives, preparations were rapidly made for occupying the island, houses and fortifications being erected. Later, cruises were undertaken to Prince William Sound (Chugatsh Bay), Cook's Inlet (Kenai Bay), and Yakutat Bay.[2]

Of one of these cruises Coxe says: "The voyage of Ismaelof and Betsharof from Kadiak to the coast of America, an account of which was digested by Shelikof, is by far the most interesting yet made by the Russians. They reached that continent near Prince William Sound, coasted it beyond latitude 50°, and give a particular description of the aspect of the country, the inhabitants, and productions. By comparing their accounts with the narratives of Cook, Portlock, Meares, and Vancouver, we have been able to ascertain most of the harbours and places at which they touched, and the general agreement with the accounts given by the English navigators proves the accuracy of their description."[3]

At Yakutat a friendly traffic was carried on with the natives and they were received under the protection of the Russian Empire, to which they acknowledged their allegiance. The expedition then continued south as far as Ltoua Bay, returning to Okhotsk in the summer of 1787.[4]

The rapid expansion of the Russians beyond Kadiak is best told in the words of the same author: "The settlement formed by Shelikof in the isle of Kadiak has more contributed to spread the extent of the Russian trade and power in the North Pacific Ocean than any preceding expeditions. He sent out detached parties, who formed establishments on various parts of the American continent and kept the natives in due order and subjugation.

[1] Berg, p. 1 *et seq.*
[2] Coxe, p. 207 *et seq.*, p. 232 *et seq.*
[3] Coxe, p. 232.
[4] Coxe, p. 247 *et seq.*

"During his survey of the American coast Vancouver[1] met with many considerable hunting parties, under the command of Russians; one in particular, which he saw in Portlock's Harbour, consisting of not less than 900 natives of Kadiak and of the adjacent regions. He likewise mentions their settlement at Port Etches or Nootcheck, and gives a particular detail of the factory which they had established in Cook's Inlet. . . . ."[2]

In 1787 Shelikof journeyed to Irkutsk to obtain for his company exclusive control of the fur trade, for at that time there was danger that this trade would come to an end unless carried on under proper restrictions. He met, however, only with partial success.

Soon after the Russians had settled upon the coast of America they began fighting amongst themselves, the Lebedef Company making its appearance at Kadiak in 1786, and shortly afterwards moving on to Cooks Inlet and Prince William Sound, at both of which spots the Shelikof company had already established itself.[3]

In 1795 Shelikof died, but his company continued in existence. Two years later a merchant named Milinkof organized a large company, which company, however, shortly afterwards united with the Shelikof and other companies, forming together an association known as the United American Company, with a capital of 724,000 rubles, and this company became in the year 1799, by an imperial ukase, which contained its charter, the Russian American Company. All hunters or small traders in Russian America were invited to join it. The rights, obligations, and mode of government of this Company, as well as the character and extent of its fur industry, of which the fur-seal catch formed at an early date the chief item, are referred to elsewhere.[4]

It was the constant policy of the Russian Government and of the Company to prevent foreigners from deriving profit from intercourse with the Colonies, and toward the end of 1822 a Russian sloop of war reached Sitka with instructions that all trade with them should cease. The shareholders of the company, however, soon realized that a total suspension of all trade with foreigners was detrimental to their interests, and in 1824 they successfully petitioned the Government that the port of Sitka be opened to such trade.[5]

The Company's charter was renewed in 1821. During the second term of its existence a tour of inspection was made through the Colonies by the chief manager and they were divided into five districts. Further important expeditions were undertaken to Bering Sea and its eastern coast, and many valuable surveys of these regions were made. Expeditions were also directed to the interior of the territory of Alaska, and to the Arctic coast east from Kotzebue Sound.[6]

In the year 1833 an event of some importance took place on the Stikeen River, upon which the Hudson's Bay Company had determined to establish a station. To accomplish this purpose the brig *Dryad* was to ascend this river from its mouth, under the privilege conferred by Article VI of the treaty of 1825. The Russians, hearing of this, dispatched two armed vessels to the mouth of the Stikeen, and these drove off the *Dryad* when she approached. A serious dispute threatened for some time to arise out of this affair, but it was settled in 1839 in this way: The Hudson's Bay Company waived its claim for damages on condition that the Russian American Company execute to the former

[1] Vancouver visited these regions in 1794. (See vol. III of his voyages, p. 83 *et seq.*)
[2] Coxe, p. 261.
[3] Tikhmenief, vol. I, p. 57.
[4] See Case, pp. 35–37.
[5] Letter from the Minister of Finance to the board April 2, 1824, Vol. I, p. 63.
[6] Tikhmenief, vol. I, pp. 274, 275.

a lease for ten years of all its continental territory lying between the southern boundary of the Russian possessions in latitude 54° 40′ and Cape Spencer, upon an annual rental of 2,000 land-otter skins. At its expiry the lease was renewed for another period of ten years.[1] After executing this lease the Ross colony, established in about 1812 on the coast of California, became of less and less value to the Russians, and in the year 1841 it was given up entirely.[2]

In the month of March, 1841, the Russian Government renewed the charter of the Russian American Company for a further period of twenty years. During this period numerous exploring expeditions continued to be sent out. Furthermore, the Company embarked in some new enterprises. In conjunction with the American Russian Commercial Company it engaged extensively in the business of shipping ice from Kadiak and Sitka to California, much capitial being invested in plant of all description. In 1856 the same parties undertook the working of a coal mine at the mouth of Cooks Inlet. This proved very unprofitable, and for many years was a constant drain on the resources of the Russian American Company.

Its third charter expired in 1862 and was not renewed, though it continued to operate under it until 1867, when the Territory of Alaska was ceded to the United States.

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[1] Tikhmenief, vol. I, p. 267.

[2] See Case, p. 28, note 4.

RUSSIA'S EARLY TITLE TO PARTS OF THE AMERICAN COAST.

From a summary of what has been said in the Case[1] on the subject of early discovery and ownership of the territory surrounding Bering Sea, it appears that prior to 1821 the Russians were without question both the first discoverers and settlers of all territory on its western and southern boundary. As to its eastern boundary, they were the first to visit a portion of it, and the subsequent discoveries of Cook were followed up by Russian expeditions. No nation save Russia ever claimed this territory as its own. This she did as early as the year 1799, when she conferred upon the Russian American Company exclusive privileges throughout its whole length; and it is not known that any protest was ever raised to this grant, which, furthermore, included the coast, already largely settled by Russians, down to latitude 55° N.

If further proof is required as to Russia's ownership not only of this shore but also of the coast of the continent, at least as far west as Prince William Sound or Yakutat Bay, it is furnished by what follows.

In a number of the London Quarterly Review of 1822[2] it is said in reference to the famous ukase of 1821: "Let us examine, however, what claim Russia can reasonably set up to the territory in question. To the two shores of Bering Sea we admit she would have an undoubted claim, on the scope of priority of discovery, that on the side of Asia having been visited by Deshnew in 1648, and that of America visited by Bering in 1741, as far down as the latitude 51° and the peaked mountain, since generally known by the name of Cape Fairweather; to the southward of this point, however, Russia has not the slightest claim."[3]

In the North American Review for October, 1822, we find the following: "We have no doubt but Russian fur-hunters formed establishments, at an early period, on the Aleutian Islands and neighboring coast of the continent; but we are equally certain that it can be clearly demonstrated that no settlement was made eastward of Bering Bay till the one at Norfolk Sound (Sitka), in 1799. The statements of Cook, Vancouver, Mears (Mirs), Portlock, and La Perouse prove, what we readily admit, that previous to 1786 the Russians had settlements on the island of Kadiak and in Cook's River; but we shall take leave to use the same authorities to establish the fact that none of these settlements extended so far east as Bering Bay.[4]

Claret Fleurieu, in his introduction to the Voyage of Marchand, pub-

[1] Pp. 20–25.

[2] Vol. XXVI, p. 344.

[3] See also, to the same effect, article in Quartely Review for 1814, p. 285.

[4] See also North American Review, March, 1816, p. 302: "At the settlement of Norfolk Sound, in latitude 57° N., there are about 600 Russians."

lished in 1801, says: "The principal object of all these voyages was the examination of that long archipelago, known under the collective name of the Aleutian or Fox Islands, which the Russian charts divide into several archipelagoes under different names; of all the part of the coast which extends east and west under the parallel of 60° and comprehends a great number of islands situated to the south of the mainland, some of which were visited, and others only perceived by Beering; lastly, of the Peninsula of Alaska, and of the other islands situated to the north of this peninsula as far as the seventieth degree. It is on these Aleutian Islands, and on upwards of three hundred leagues of the coast, *which extend beyond the Polar Circle*, that the indefatigable Russians have formed those numerous settlements, those factories that support the fur trade, from which the Empire of Russia derives such great advantages in its commercial concerns and exchanges with the Empire of China."[1]

Sir George Simpson, the governor in chief of the Hudson's Bay Company's territories in North America, says in his "Narrative of a journey round the world during the years 1841 and 1842":[2] "In justice, however, to Russia, I have no hesitation in saying that under the recognized principles of colonization she is fully entitled to all that she holds in America." The writer goes on to describe the discoveries as far as Kadiak, and states: ". . . no other nation having previously penetrated, or even pretended to have penetrated, farther north than the parallel of 53°." And he continues: "But the Russian discoveries were distinguished by this favorable peculiarity, that they were in a great measure achieved independently of the more southerly discoveries of Spain, being the result of rumors of a neighboring continent which in the beginning of the century the Russian conquerors had found to be rife in Kamchatka. Moreover, in the case of the Russians, discovery and possession had advanced hand in hand. The settlement of Kadiak was made four years before Mears erected his solitary shed in Nootka Sound, and Sitka was established fully ten or twelve years earlier than Astoria. According to this plain summary of undeniable facts Russia had a better claim, at least down to the parallel of 56°, than any other power could possibly acquire."

In a confidential memorandum submitted by Mr. Middleton, United States Minister, to the Russian authorities during the heat of the subsequent controversy between the United States and Russia, it is said:

"About this time, but a little later, in 1697, the Russians penetrated, by Siberia, as far as Kamchatka, and from thence embarking at the ports of Okhotsk and Avatcha, between the years 1710 and 1741, they pushed their discoveries in the northern latitudes of the Great Ocean. From these discoveries Russia derives her rights to that long chain of islands intervening between the western and the eastern continents, and even to a very considerable portion of the continent of America—rights which have never been contested."

* * * * * * *

"It is, then, demonstrated that Russia, in the year 1790, was far from forming any territorial claim for herself upon the continent of North America on this side of the sixty-first degree of north latitude."[3]

[1] Marchand's Voyage, translated by C. P. Claret Fleurieu, London, 1801, vol. I, introduction, p. xxxv.

[2] *Ibid.*, vol. I, p. 270.

[3] American State Papers, Foreign Relations, vol. v, p. 450.

IMPERIAL RUSSIAN EDICTS RELATING TO THE RUSSIAN AMERICAN COMPANY.

CHARTER OF 1799.[1]

First charter of the Russian American Company.

On the original is written in His Imperial Majesty's own hand: "Be it thus."—Peterhoff, July 8, 1799.

"By the grace of a merciful God, we, Paul the First, Emperor and Autocrat of all the Russias, etc. To the Russian American Company under our highest protection. The benefits and advantages resulting to our empire from the hunting and trading carried on by our loyal subjects in the northeastern seas and along the coasts of America have attracted our imperial attention and consideration; therefore, having taken under our immediate protection a Company organized for the above-named purpose of carrying on hunting and trading, we allow it to assume the appellation of 'Russian American Company, operating under our Highest Protection;' and for the purpose of aiding the Company in its enterprises, we allow the commanders of our land and sea forces to employ said forces in the Company's aid if occasion requires it, while for further relief and assistance of said Company, and having examined their rules and regulations, we hereby declare it to be our highest Imperial will to grant to this Company for a period of 20 years the following rights and privileges:

I. By the right of discovery in past times by Russian navigators of the northeastern[2] part of America, beginning from the fifty-fifth degree of north latitude and of the chain of islands extending from Kamchatka to the north to America, and southward to Japan, and by right of possession of the same by Russia, we most graciously permit the Company to have the use of all hunting-grounds and establishments now existing on the northeastern[2] coast of America, from the above-mentioned fifty-fifth degree to Bering Strait, and also on the Aleutian, Kurile, and other islands situated in the Northeastern Ocean.

II. To make new discoveries not only north of the fifty-fifth degree of north latitude, but farther to the south, and to occupy the new lands discovered, as Russian possessions, according to prescribed rules, if they have not been previously occupied by, or been dependent on, any other nation.

III. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the interior of the earth, without competition from others.

IV. We most graciously permit this Company to establish settlements in future times, wherever they are wanted, according to its best

[1] For Russian text, see Tikhmenief, vol. I, app., p. 19, and Golovnin, in Materialui, I, pp. 77–80.

[2] *Sic.*

knowledge and belief, and fortify them to insure the safety of the inhabitants, and to send ships to those shores with goods and hunters, without any obstacles on the part of the Government.

V. To extend their navigation to all adjoining nations and hold business intercourse with all surrounding powers, upon obtaining their free consent for the purpose, and under our highest protection to enable them to prosecute their enterprises with greater force and advantage.

VI. To employ for navigation, hunting, and all other business, free and unsuspected people, having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities, passports for seven years. Serfs and house-servants will only be employed by the Company with the consent of their landholders, and Government taxes will be paid for all serfs thus employed.

VII. Though it is forbidden by our highest order to cut Government timber anywhere without the permission of the admiralty college, this Company is hereby permitted, on account of the distance of the admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required.

VIII. For shooting animals, for marine signals, and in all unexpected emergencies on the mainland of America, and on the islands, the Company is permitted to buy for cash, at cost price, from the Government artillery magazine at Irkutsk, yearly, 40 or 50 pouds of powder and from the Nertchinsk mine 200 pouds of lead.

IX. If one of the partners of the Company becomes indebted to the Government or to private persons and is not in a condition to pay them from any other property except what he holds in the Company, such property can not be seized for the satisfaction of such debts, but the debtor shall not be permitted to use anything but the interest or dividends of such property until the term of the Company's privileges expires, when it will be at his or his creditor's disposal.

X. The exclusive right is most graciously granted to the Company for a period of twenty years, to use and enjoy, in the above-described extent of country and islands, all profits and advantages derived from hunting, trade, industries, and discovery of new lands, prohibiting the enjoyment of these profits and advantages not only to those who would wish to sail to those countries on their own account, but to all former hunters and trappers who have been engaged in this trade and have their vessels and furs at those places; and other companies which may have been formed will not be allowed to continue their business unless they unite with the present Company with their free consent; but such private companies or traders as have their vessels in those regions can either sell their property, or, with the Company's consent, remain until they have obtained a cargo, but no longer than is required for the loading and return of their vessel; and after that nobody will have any privileges but this one Company, which will be protected in the enjoyment of all the rights mentioned.

XI. Under our highest protection the Russian American Company will have full control over all above-mentioned localities, and exercise judicial powers in minor cases. The Company will also be permitted to use all local facilities for fortifications in the defense of the country under their control against foreign attacks. Only partners of the Company shall be employed in the administration of the new possessions in charge of the Company.

UKASE OF 1821.[1]

Edict of his Imperial Majesty Autocrat of all the Russias.

The Directing Senate maketh known unto all men. Whereas in an edict of His Imperial Majesty, issued to the Directing Senate on the 4th day of September, and signed by His Imperial Majesty's own hand, it is thus expressed:

"Observing from reports submitted to us that the trade of our subjects on the Aleutian Islands and on the northwest coast of America appertaining unto Russia, is subjected, because of secret and illicit traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of rules establishing the boundaries for navigation along these coasts, and the order of naval communication as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, WE have deemed it necessary to determine these communications by specific regulations, which are hereto attached."

"In forwarding these regulations to the Directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution."

(Countersigned: Count D. Gurief, Minister of Finances.)

It is therefore decreed by the Directing Senate that His Imperial Majesty's edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

The original is signed by the Directing Senate.

Printed at St. Petersburg, in the Senate, 7th September, 1821.

[L. S.]

On the original is written in the handwriting of His Imperial Majesty, thus:

Be it accordingly—

ALEXANDER.

KAMENNOY OSTROFF, *4th September, 1821.*

RULES ESTABLISHED FOR THE LIMITS OF NAVIGATION AND ORDER OF COMMUNICATION ALONG THE COAST OF EASTERN SIBERIA, THE NORTHWEST COAST OF AMERICA, AND THE ALEUTIAN, KURILE, AND OTHER ISLANDS.

SEC. 1. The pursuits of commerce, whaling, and fishery, and of all other industry on all islands, ports, and gulfs including the whole of the northwest coast of America, beginning from Behring's Straits to the 51° of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the South Cape of the Island of Urup, viz, to the 45° 50′ northern latitude, is exclusively granted to Russian subjects.

SEC. 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia as stated above, but also to approach them within less than a hundred Italian miles.

[1] Translation as sent out by the Russian Government in 1821.

The transgressor's vessel is subject to confiscation along with the whole cargo.

SEC. 3 An exception to this rule is to be made in favor of vessels carried thither by heavy gales or real want of provisions, and unable to make any other shore but such as belongs to Russia. In these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly governments merely on discoveries are likewise exempt from the foregoing rule (Sec. 2).

In this case, however, they must previously be provided with passports from the Russian Minister of the Navy.

SEC. 4. Foreign merchant ships which, for reasons stated in the foregoing rule, touch at any of the above-mentioned coasts are obliged to endeavor to choose a place where Russians are settled, and to act as hereunder stated.

SEC. 5. On the arrival of a foreign merchant ship, wind and weather permitting, a pilot will meet her to appoint an anchoring place appropriate for the purpose. The captain who, notwithstanding this, anchors elsewhere without being able to assign a proper reason to the commander of the place shall pay a fine of one hundred dollars.

SEC. 6. All rowing boats of foreign merchant vessels are obliged to land at one place appointed for them, where in the day time a white flag is hung out, and at night a lantern, and where a clerk is to attend continually to prevent im- and exporting any articles or goods. Whoever lands at any other place, even without an intent of smuggling, shall pay a fine of fifty dollars; and if a person be discovered bringing any articles ashore a fine of five hundred dollars is to be exacted and the goods to be confiscated.

SEC. 7. The commanders of said vessels being in want of provisions, stores, etc., for the continuation of their voyage are bound to apply to the commander of the place, who will appoint where these may be obtained, after which they may without difficulty send their boats there to procure all they want. Whosoever deviates from this rule shall pay a fine of one hundred dollars.

SEC. 8. If it be unavoidable for the purpose of repairing or careening a foreign merchant ship that she discharge the whole cargo, the master is obliged to ask the permission of the commander of the place. In this case the captain shall deliver to the commander an exact list of the nature and quality of the goods discharged. Everyone who omits to report any part of the cargo will be suspected of smuggling and shall pay a fine of one thousand dollars.

SEC. 9. All expenses incurred by these vessels during their stay in the Russian territories must be paid in cash or bills of exchange. In case, however, the captains of these ships have no money on board and nobody gives security for their bonds, the commander can at their request allow the sale of such articles, stores, or goods required merely for defraying the above stated expenses. These sales, however, can be made only to the company and through the means of the commander, but must not exceed the expenses of the ships under penalty of the cargo being seized and a fine paid of one thousand dollars.

SEC. 10. As soon as said foreign merchant vessels are ready for their cargoes, stores, provisions, etc., they must immediately proceed to take them in, and after an examination if they have loaded all the above stated articles, and a written certificate of their not having left anything behind, they are to set sail.

Such vessels as have not been unloaded are likewise subjected to sail, without the least delay, as soon as they are able to proceed to sea.

SEC. 11. It is prohibited to all commanders of the said foreign vessels, commissioners, and others, whosoever they may be, to receive any articles, stores, or goods in those places where they will have landed, except in the case as pr. sec. 7, under penalty of seizure of their ship and cargo.

SEC. 12. It is prohibited to these foreign ships to receive on board, without especial permission of the commanders, any of the people in the service of the company, or of the foreigners living in the company's settlements.

Ships proved to have the intention of carrying off any person belonging to the colony shall be seized.

SEC. 13. Every purchase, sale, or barter is prohibited betwixt a foreign merchant ship and people in the service of the company. This prohibition extends equally to those who are on shore and to those employed in the company's ships.

Any ship acting against this rule shall pay five times the value of the articles, stores, or goods constituting this prohibited traffic.

SEC. 14. It is likewise interdicted to foreign ships to carry on any traffic or barter with the natives of the islands, and of the northwest coast of America, in the whole extent hereabove mentioned. A ship convicted of this trade shall be confiscated.

SEC. 15. All articles, stores, and goods found on shore in ports or harbours, belonging to Russian subjects (carrying on prohibited traffic) or to foreign vessels are to be seized.

SEC. 16. The foreign merchant ships lying in harbor or in the roads dare under no pretence send out their boats to vessels at sea, or to those already come in, until they have been spoken to and visited according to the existing customs. Whenever a foreign vessel hoists a yellow flag, to announce an infectious disease being on board, or the symptoms of the same, or any other danger of which she wishes to be freed; every communication is interdicted until said flag is taken down. From this rule, however, are excepted persons appointed for the purpose and whose boats be under the colours of the Russian American Company.

Any vessel acting contrary to this regulation shall pay a fine of five hundred dollars.

SEC. 17. No ballast may be thrown overboard, but in such places as are appointed by the commanders. The transgressor is liable to a fine of five hundred dollars.

SEC. 18. To all foreign merchant ships during their stay in anchoring places, harbors, or roads, it is prohibited to have their guns loaded either with balls or cartridges, under the risk of paying a fine of fifty dollars for each gun.

SEC. 19. No foreign merchant ship in port or in the roads, or riding at anchor, may fire guns or muskets without previously informing the commander of the place or settlement, unless it be for pilots, signalizing the same by the firing of one, two, or three guns, and hoisting her colours as is customary in similar wants. In acting contrary thereto, she is subjected to a fine of one hundred dollars for each shot.

SEC. 20. On the arrival of a foreign ship in the harbour or in the roads, a boat will immediately be sent to meet her, and to deliver to the captain a printed copy of these regulations, for which he must give receipt in a book destined for the purpose. He is further obliged to state in the book as pr. annexed form, all information required of foreign vessels. All ships refusing to comply with these regulations dare not approach the harbour, roads, or any anchoring place.

Name and burthen of the vessel.	What nation.	Name of the owner.	Name of the captain.	Number of the crew.	Number of guns.	Cargo.	Place where the vessel comes from.	Destination of the vessel.

SEC. 21. The captain of a foreign merchant ship, coming to an anchor in a port or in the roads, is obliged on his arrival to give a statement of the health of the ship's crew, and should after this a contagious illness be discovered on board of his vessel he must immediately inform the commander of the place thereof. The vessel, according to circumstances, will be either sent off or put under quarantine in a place appropriated for the purpose, where the crew may be cured without putting the inhabitants in danger of infection. Should the captain of such a ship conceal the circumstances, the same will be confiscated with her whole cargo.

SEC. 22. The master of a vessel, at the request of the commander of a place, is obliged to produce a list of the whole crew and all the passengers, and should he omit any he shall pay a fine of one hundred dollars for every one left out.

SEC. 23. The captains are bound to keep their crew in strict order and proper behavior on the coasts and in the ports, and likewise prevent their trading or bartering with the company's people. They are answerable for the conduct of their sailors and other inferiors. Illicit trade carried on by sailors subject the vessel to the same penalty as if done by the captain himself, because it were easy for the captains to carry on smuggling without punishment and justify themselves by throwing the fault on the sailors. Therefore every article found upon sailors, which they could not hide in their pockets or under their clothes to screen from their superiors, sold or bought on shore, will be considered as contraband from the ship, and is subject to the prescribed fine.

SEC. 24. Foreign men-of-war shall likewise comply with the above-stated regulations for the merchant ships, to maintain the rights and benefits of the company. In case of opposition, complaints will be made to their governments.

SEC. 25. In case a ship of the Russian Imperial Navy, or one belonging to the Russian American Company, meet a foreign vessel on the above stated coasts, in harbours, or roads, within the before-mentioned limits, and the commander find grounds by the present regulation that the ship be liable to seizure, he is to act as follows:

SEC. 26. The commander of a Russian vessel suspecting a foreign to be liable to confiscation, must inquire, and search the same, and, finding her guilty, take possession of her. Should the foreign vessel resist he is to employ persuasion, then threats, and at last force, endeavoring, however, at all events, to do this with as much reserve as possible. If the foreign vessel employ force against force, then he shall consider the same as an evident enemy and force her to surrender according to the naval laws.

SEC. 27. After getting everything in order and safety on board the foreign vessel, the commander of the Russian ship, or the officer sent by him, shall demand the journal of the captured vessel, and on the spot shall note down in the same that on such a day, month, and year,

at such an hour, and in such a place he met such and such a foreign vessel, and shall give a brief account of the circumstance, pursuit, and, finally, of the seizure. After signing the same he shall desire the captain of the captured vessel to confirm the same in his own handwriting.

Should he, however, refuse to sign the same, the Russian officer is to repeat his summons in presence of all the officers, and if on this it be again refused, and nobody will sign in lieu of the captain, he is then to add this circumstance, signed by himself.

After this arrangement the journal, list of the crew, passports, invoices, accounts, and all further papers respecting the views and pursuits of the voyage of the vessel shall be put up in one parcel, as well as all private papers, viz, the journals of the officers, letters, etc., and sealed with the seals of the Russian officer and those of the captain and first officer of the foreign vessel. This packet shall remain unsealed with the commander of the Russian vessel until their arrival in the port of St. Peter and Paul, where it shall be deposited in the court, as mentioned in sec. 33. Besides this, everything else must be sealed by the Russian officer and the foreign captain that is not requisite for the continuation of the voyage to the port of St. Peter and Paul, excepting the effects for the immediate and sole use of the ship's crew, which shall not be withheld from them.

SEC. 28. Having thus fixed all means of precaution, the officer sent to arrest the foreign vessel shall instantly make his report to his chief and await his orders.

SEC. 29. Thus, should by any cause stated in the second, eleventh, twelfth, and twenty-first sections of these regulations a foreign vessel be subjected to confiscation in any port near the settlements of the Russian American Company, the commander of that settlement is obliged either to ask the assistance of the Russian man-of-war, if there be any, and the commander of which, on receipt of a written request, is obliged to arrest the vessel and use all the precautions prescribed in the foregoing article; or, if there be no Russian man-of-war in the harbor or its neighborhood, and the commander of the settlement find that he and his people can arrest the vessel by themselves, he is then to act according to the twenty-sixth, twenty-seventh, and twenty-eighth sections, and putting ashore the captain and every means of getting the vessel away, he must endeavor as soon as possible to give information of this event either to the governor of the colonies of the Russian American Company or the commander of the imperial man-of-war, if it be known where she lie.

SEC. 30. When, in consequence of such a report, the governor of the colonies shall send a company's vessel, or a Government vessel arriving, then the commander of the place shall deliver up the vessel seized, and all belonging to her, and shall report respecting his reasons for confiscating the vessel.

SEC. 31. The commander of the vessel taking charge of the seizure prize inventory shall examine immediately into all circumstances mentioned and compare it with the accounts of the commander of the settlement, who will give every elucidation required.

SEC. 32. All vessels detained by Russian men-of-war are ordered by these regulations to be brought to the port of St. Peter and Paul, where the sentence is to be passed on them by a court established for adjudging such cases.

SEC. 33. This court, under the presidency of the commander of Kamtchatka, shall consist of three senior officers under him and of the commissioner of the Russian American Company.

SEC. 34. As soon as a Russian vessel, bringing into the port of St. Peter and Paul a foreign vessel arrested by her, has come to anchor in the place assigned her, the commander of her is immediately to repair to the commander of Kamtchatka, stating briefly what vessel he has brought in, the number of the crew and of the sick, specifying their diseases, and reporting likewise whether the vessel has sufficient victuals, and what goods, guns and other arms, powder, etc., are on board.

SEC. 35. The commander of Kamtchatka on receiving this report will order two officers and a sufficient number of men on board the detained vessel.

SEC. 36. These two officers, together with the officers who brought in the detained ship, when on board are to summon the master and two of his mates, or men in command next to him, inspect all the seals put on the vessel, and then taking them off begin immediately to make an accurate list of all the effects belonging to the vessel.

SEC. 37. This list is to be signed by all the officers on both sides who were present in drawing it up. The commander of Kamtchatka is to use all possible endeavors to secure from embezzlement or damage all effects belonging to the detained vessel.

SEC. 38. The crew of the vessel is then to be sent ashore, to such places as shall be appointed by the commander of Kamtchatka, and remain there until the close of the investigation.

SEC. 39. The commander of the Russian vessel is obliged, in the course of two days after his arrival at the port of St. Peter and Paul, to make a minute representation to the commander of Kamtchatka of all that shall have happened at the detention of the foreign vessel brought in by him, and to deliver said vessel, together with the sealed packet containing her papers expressed in sec. 27.

SEC. 40. If the Russian vessel that brought in the port of St. Peter and Paul a foreign vessel cannot, for reasons, remain there until the close of the investigation, but be obliged to proceed to sea in a very short time, the commander, in order not to detain her, shall use all possible dispatch by bringing forward the investigation of such points as may require the presence of the Russian vessel.

SEC. 41. Having settled everything on board the arrested vessel, and landed the crew, the court immediately shall open the session and endeavor to ascertain as soon as possible the solution of the inquiry, "whether the vessel be lawfully arrested or not."

SEC. 42. In order to ascertain this, the following proofs shall be substantiated:

(1) That the vessel was met with within the boundaries prescribed in the second section of these regulations, and that her having been within said limits was not occasioned by reasons stated in section 3.

(2) That the vessel is a lawful prize by virtue of the sections 2, 11, 12, 14, and 21 of these regulations, and the — § of the instructions to the commander of the Russian man-of-war.

SEC. 43. In order to decide either case, the court is to inspect all documents presented, and tracing on one part all proofs of guilt, and on the other all doubts, which might clear the foreign vessel, summon the commanding officer of the Russian vessel to give all additional information deemed needful, and completing thus all circumstances condemning the foreign vessel, the court shall draw up a clear statement of the reasons of her condemnation.

SEC. 44. Should the court in making out said statement find that the foreign vessel has been arrested without sufficient cause, said court on

passing the sentence is to determine the damages suffered by such detention, and to furnish both parties with a certified copy of this resolution.

SEC. 45. In the course of 2 days both parties shall declare whether they are satisfied with the decision of the court or not, and in the latter case (should it happen) assign it in writing.

SEC. 46. Should both parties be satisfied with the decision of the court, then the commander of Kamtchatka is to release immediately the detained vessel, returning everything to the master according to the inventory, along with the adjudged damages, exacting them from whomsoever is to pay the same.

SEC. 47. If on the contrary the court receives on the third day a repeal to its decision, it is bound to take that repeal into immediate consideration, and finding it just, to change its decision; if not, to confirm the same and make it known to the parties a second time. After this no representation shall be admitted, and both parties shall be summoned before the court, which will allow them to make their protest in writing, and will then state all the reasons why the sentence should be carried into execution.

SEC. 48. If the court find by the indictment that the vessel has been lawfully detained, then the master of the foreign vessel, or the two eldest in command under him, shall be summoned, and the reasons of their detention made known to them, giving them a certified copy of the condemnation.

SEC. 49. The court is to receive within three days, and no later, the representation of the master, and if he do not present the same within the time limited, the court summoning him with two of his crew, notifies that his silence is received as a mark of compliance, and that the condemnation is just.

SEC. 50. In this case the court comes to its final decision, which on the following day is communicated to the whole crew of the foreign vessel, who shall sign all and every one that such sentence has been made known to them, after which the commander of Kamtchatka is to carry the sentence of the court into execution, as will be explained hereafter.

SEC. 51. Should, however, the master deliver within the time limited his protest, then the court, examining it with all possible impartiality, shall call for all further explanations, and having inserted the whole into the journal of the court, shall pass a final sentence and pronounce it as stated in section 47.

SEC. 52. If by sentence of the court the arrested vessel be released and adjudged to receive damages for her detention, and if the vessel has been arrested by any of the Company's officers, and the damages are not above five thousand rubles, the commander of Kamtchatka shall demand immediate payment of said sum from the office of the Russian American Company, but if the damages exceed the sum, he is to notify it to the Company's office, and give to the foreign master a certificate; but the money can not be paid by the Company otherwise than after the inspection and resolution of its court of directors. If, on the other hand, the foreign vessel has been detained unlawfully by a Russian man-of-war, the commander of Kamtchatka is to pay the adjudged damages, (not exceeding the sum of five thousand rubles) out of any Government sum, and to report, in order to incash it from the guilty; but if the damages should exceed the sum of five thousand rubles, the commander of Kamtchatka is to furnish a certificate for the receipt of that money, after the regulation and confirmation of the Russian Government.

SEC. 53. The reimbursement of such damages as may have been incurred by unlawful detention shall be exacted from the commander and all officers of the man-of-war who, having been called by the commander to a council, shall have given their opinion that such a ship ought to be detained.

SEC. 54. As soon as a foreign ship is sentenced to be confiscated, the commander of Kamtchatka is to make the arrangements for transporting the crew to Ochotsk, and from thence to any of the ports of the Baltic, in order to enable every one of them to reach his own country. With the confiscated ship and cargo he is to act as with a prize taken in time of war.

SEC. 55. After this the commander of Kamtchatka shall order a committee to value the vessel and her cargo. This committee is to be composed of one member appointed by the commander of Kamtchatka, one by the commander of the man-of-war, and a third by the Russian American Company.

SEC. 56. These commissioners are to make up a specified list and valuation according to the following rules:

(1) All provisions, rigging, iron, powder, and arms shall be put down at such prices as they cost Government there.

(2) All merchandise which might be used in Kamtchatka and the Company's Colonies, and which are carried there at times from Russia, shall be valued at their prices then existing.

(3) All goods which are not imported into these places from Russia, but are wanted there, shall be valued like goods brought from Russia, being the nearest to them, and in proportion to their wants.

(4) All goods not in use at Kamtchatka or the Colonies shall be sent to Irkutsk, and sold at public auction by the proper authorities.

SEC. 57. The said commissioners shall present their valuation to the commander of Kamtchatka for his approbation; who, in case of not finding the same exact, shall return it with his remarks, and shall appoint other officers to inspect such articles as may appear unfairly valued.

SEC. 58. If the commissioners hereafter continue in their opinion and the commander of Kamtchatka find it impossible to agree thereto, he shall provisionally consent, and leave the final decision to Government.

SEC. 59. According to this valuation, the commander of Kamtchatka shall mark for the use of Government all those articles which he thinks are wanted; the remainder is left at the disposal of the officers of the ship, or of the Russian American Company. The seized vessel shall be valued by the court, and the valuation sent immediately to the Minister of the Navy, with a report, whether such a vessel is wanted for Government service or not.

SEC. 60. The whole sum of valuation of the confiscated vessel and cargo is to be divided in the following manner: The expences necessary to forward the ship's crew to one of the ports in the Baltic are to be deducted, and the remaining sum divided, if the vessel has been taken by the Russian American Company's officers, and carried to the port of St. Peter and Paul, by a ship of said company, without the interference of a man-of-war, into five parts, of which one goes to Government and the remaining four-fifths to the American Company. If the vessel be taken in any of the Company's settlements by the Company's officers, but brought to the port of St. Peter and Paul by a man of-war, after deducting one fifth for Government, two-fifths are to belong to the crew of the man-of-war and the remaining two-fifths to the Russian American Company; and, finally, if such foreign vessel be detained by men-of-war only, without the assistance of the Company's officers, then,

after deducting one-fifth for Government, the remainder is left to the officers of the men-of-war.

But if the vessel be taken by the conjoint forces of a man-of-war and a Company's vessel, then the prize shall be divided between them in proportion to their strength, regulating the same according to the number of guns.

SEC. 61. The sum coming to the officers of the man-of-war shall be divided according to the rules for dividing prizes in time of war. In all cases officers who had a share in seizing foreign vessels, convicted of the intention of infringing the privileges most graciously granted to the Russian American Company, may expect to receive tokens of His Imperial Majesty's approbation, especially when after deducting the expences for conveying the crew their part in the prize money should prove but trifling.

SEC. 62. If a foreign vessel detained by a Russian, being under the command of a Russian officer, should be cast away before reaching the port of St. Peter and Paul, the following principle shall be observed:

If the foreign vessel alone be lost and the Russian accompanying her arrive at the port of St. Peter and Paul, then the court acts according to the foregoing rules to determine whether the vessel was lawfully seized. In this case Government takes upon itself the expences of conveying to a port of the Baltic such of the ship's crew as were saved. But if such vessel should not be proved to have been detained lawfully, then independent of those expences the ship shall be valued and such valuation forwarded to Government for the payment of what may be deemed just; at the same time investigations shall be made on the loss of the vessel; and the officer that had the command (if saved) is to be tried according to the maritime rules and regulations.

SEC. 63. The Commander of Kamtchatka is bound to make a special report to the Governor-General of Siberia respecting every circumstance happening to foreign vessels, annexing copies of all documents, journals, and sentences of the court and of all papers relating thereunto.

The original is signed:

COUNT D. GURIEF,
Minister of Finances.

CHARTER OF 1821.[1]

Second charter of the Russian American Company.

Signed in the original by His Imperial Majesty's own hand thus:
Be it accordingly—

ALEXANDER.

PORKHOF, *September 13, 1821.*

PRIVILEGES GRANTED TO THE RUSSIAN AMERICAN COMPANY FOR A PERIOD OF TWENTY YEARS FROM THIS DATE.

The following rights are most graciously conferred upon the Company:

I.

The Company established for carrying on industries and trade on the mainland of Northwest America, on the Aleutian, and on the Kurile Is-

[1] For Russian text see Tikhmenief, vol. I, app., p. 41.

lands, remains as heretofore under the highest protection of His Imperial Majesty.

II.

It enjoys the privilege of hunting and fishing, to the exclusion of all other Russian or foreign subjects throughout the territories long since in the possession of Russia on the coasts of Northwest America, beginning at the northern point of the island of Vancouver, in latitude 51 north, and extending to Bering Strait and beyond, as well as on all islands adjoining this coast and all those situated between this coast and the eastern shore of Siberia, as well as on the Kurile Islands, where the Company has engaged in hunting down to the south cape of the Island Urupa, in latitude 45° 50′.

III.

To enjoy and use all that has been found or discovered within the limits of the localities described, on the surface as well as in the bowels of the earth, and all that they may hereafter discover, regardless of any claims advanced by others.

IV.

To make new discoveries beyond the limits defined above; and such newly discovered localities, if they have not been previously occupied or taken possession of by other European nations or subjects of the American United States, may be occupied by the Company as Russian possessions; but no permanent settlements must be established there without highest permission.

V.

The Company is permitted to establish in the future, as necessity may require or its interests may demand, within the limits mentioned in section II, new settlements and fortifications to protect such settlements, or to extend and improve original settlements, dispatching to those regions ships with goods and reënforcements of men without interference.

VI.

In order that the Company alone may enjoy the exclusive rights bestowed upon it, and to prevent in the future any molestation or disturbance on the part of Russian subjects or foreigners, rules and regulations have been established indicating how to proceed with those who either intentionally or by accident violated the prohibition against visiting the regions contained within the limits described in section II of these privileges. Therefore these rules must be strictly observed both by the Company and by the officials concerned.

VII.

To carry on intercourse by sea with all adjoining nations and to trade with them with the consent of their respective governments, excepting with the Chinese Empire, the shores of which must not be visited by the Company's ships. Care must also be taken that the Company's ships do not engage in any traffic with other nations or in any other intercourse prohibited by their respective governments.

VIII.

The board of administration of the Russian American Company is to be recognized in all courts of law as being intrusted with the management of the Company's affairs, and if suits are brought in courts of justice in connection with its business it must not be done in the name of any individual partner of the company, but in that of the board of administration.

IX.

Having intrusted to the management of the Company so vast an extent of country, with considerable numbers of inhabitants, in order to enable it to carry out more effectively the object of the Government the following special privileges are granted to its employés in all its interior and coast stations and agencies, whether managers, bookkeepers, cashiers and their assistants, supercargoes, ship's clerks, or others:

(1) To the chief manager, on his assumption of the duties of the post, are extended the privileges granted by the ukase of March 21, 1810, defining the status of officials in the government of Siberia, provided he hold rank in the military or civil service of the Empire.

(2) All officials who are entitled to enter the service of the Company under the provisions of the ukase of April 9, 1802, are considered as in active service in regard to reward and promotions, with the exception of such grades as are conferred only by reason of seniority or continued service with a special command. They are also entitled to half pay and to military servants under the provisions of the same requirement.

(3) Officers or officials who have been retired prior to entering the Company's service retain their original rank and are to be considered in every respect as in active service. This right is also extended to those who, since the grant of highest privileges in the year 1799, have entered the Company's service in various capacities. All individuals belonging to classes entitled to enter the Imperial service, but who have not previously held any rank, will, after two years' service with the Company, receive the rank of collegiate registrar upon due application by the board of administration; the succeeding grades to be obtained by continued service under the provisions of general laws. On leaving the service these individuals will retain their rank only when they have served five years and have been recommended by the board of administration as worthy and efficient.[1]

* * * * * * *

XVII.

The Russian American Company is most graciously permitted to load the ships dispatched from Kronstadt around the world, and from Okhotsk to our colonies, both with Russian products and with foreign goods upon which duty has been paid; also to unload the ships returning from the colonies with cargoes of furs and other products without detention, upon declarations made at the custom-house at Kronstadt by the board of administration and at Okhotsk by the agent stationed there. On shipping such cargoes from one Russian port to another no duties shall be collected unless a special internal tax on furs be established hereafter by law.

[1] Sections X–XVI contain regulations relating only to internal management, and have therefore been omitted in this translation.

XVIII.

Although it is prohibited by highest ukase to cut Government timber without the permission of the forestry officials, the Company is permitted, in view of the remoteness of the Okhotsk district, where much timber is needed for repairs and sometimes for the construction of new ships, to take timber from this district from the most convenient localities. It must, however, immediately inform the local forestry authorities of the place where the timber was cut, and of its quantity and quality.

XIX.

For shooting animals, for marine signals, and for cases of unforeseen necessity on the mainland of America and on the islands, the Company may purchase annually for cash, at established prices, from the Irkutsk Imperial Artillery Arsenal, from 40 to 80 pouds of powder, and from the Nerchinsk Lead Works 200 pouds of lead.

XX.

In order to secure freedom of action and safety to the operations of the Company within its lawful sphere, all buildings occupied as its offices or stations are exempt from the quartering of soldiers.

In conclusion of these privileges granted to the Russian American Company, all civil and military authorities and courts of justice are hereby enjoined not only not to hinder or restrain, but in case of any event from which loss or injury may result to the Company, to give to it every assistance and protection upon the simple request of the board of administration or its subagents.

COUNT D. GURIEF,
Minister of Finance.

CONFIRMATION OF CHARTER OF 1821.

Imperial charter granted to the Russian American Company.—Confirmation of its rights and privileges.

By the helping grace of God, we, Nicholas the First, Emperor and Autocrat of all the Russias, etc., etc., etc.

As we regard as an object of our particular care the development in our Empire of every kind of industry and commerce, we have turned our Imperial attention to the Russian American Company. Since its very foundation it has been favored with the protection of our most august late father and brother, and during the twenty-eight years of its existence it has steadily pursued its object, has coöperated in the progress of navigation, has opened to our subjects new and rich sources of commerce and industry, and has brought to its shareholders considerable profits.

Wishing to show our august benevolence towards this institution of common profit and to give it a firm and stable basis, we take the Russian American Company under our immediate protection, and confirming by the force of this, our imperial charter, the rules, rights, and privileges granted to the Company by the supreme ukase of September 13, 1821, we order:

(1) That the Company which was founded for industry on the main-

land of North America, on the Aleutian Islands, and on the Kurile Islands and in all parts of the Northeastern Sea shall, under our supreme patronage, be called, as before the Russian American Company.,

(2) The limits of navigation and industry of the Company are determined by the treaties concluded with the United States of America April 5, (17) 1824, and with England February 16, (28) 1825.

(3) In all the places allotted to Russia by these treaties there shall be reserved to the Company the right to profit by all the fur and fish industries, to the exclusion of all other Russian subjects.

(4) The part that neighboring nations may take in these industries, as well as the nature of the coast relations with the Russian American Company, shall remain on the basis of these same treaties until new rules shall be published on this subject.

(5) All the advantages and rights conceded to Russia by these treaties are granted to the Company, on which is also imposed the strict fulfillment of all the mutual obligations of Russia stipulated in these treaties.

(6) The internal administration of the affairs of the Company, its relations to the Government, the personnel and the duties of the supreme council of the chief administration of the directors of the Colonies, of the local agencies, and of the shareholders shall remain on the basis of the rules of September 13, 1821.

(7) All the articles of these rules and of the privileges published together with them, which are not limited by the aforesaid treaties, and which are not contrary to the ukase of October 14, 1827, concerning entrance into service, shall remain in full force and vigor in their full extent and for the whole time for which they were granted to the Russian American Company by our most august brother, the late Empreror Alexander the First.

In conclusion of this our Imperial charter, we order all our military and civil authorities and all our Government officers not only not to prevent the Russian American Company from availing itself of these rules and privileges granted to it by us, but in case of need to forewarn it of any damage or harm which may come to it, and to render all legal assistance and protection to its board of administration.

For the greater force of this charter which we have granted, we have signed it with our own hand and have ordered it to be strengthened by the affixing of our seal of the Empire.

Published by the Senate, March 29 (April 10), 1829.

CHARTER OF 1844.[1]

Third Charter of the Russian American Company.

On the original is written in His Imperial Majesty's own hand:
"Be it thus."
Gatchina, October 10, 1844.

RIGHTS AND PRIVILEGES OF THE COMPANY.

SEC. 1. The Russian American Company, established for trading on the continent of Northwestern America and on the Aleutian and Kuriles Islands as in every part of the Northeastern Sea, stands under the Highest protection of His Imperial Majesty.

[1] Related back to the year 1842. For Russian text see Tikhmenief, vol. II, first appendix, p. 11.

SEC. 2. The limits of the navigation and trade of the Company on the shore of the continent and on the islands of Northwestern America, are within the following line of demarcation between Russia, England, and America: Commencing with the southernmost point of the Island of Prince of Wales, which point is situated at 54° 40′ north latitude and between 131° and 133° west longitude (reckoning from the meridian of Greenwich), the above line runs northward along the straits named Portland Channel to that point of the mainland where it touches the 56th degree of north latitude. Hence the line of demarcation follows the crest of the mountains which stretch in a direction parallel with the coast to the crossing at the 141st degree of west longitude (from the same meridian), and finally, from this point of intersection, the same meridian of the 141st degree constitutes in its extension to the Arctic Sea the boundary of the Russian Possessions on the continent of Northwestern America.

SEC. 3. In all places annexed to Russia by the above-mentioned delimitation there is granted to the Company the right to carry on the fur and fishing industries to the exclusion of all Russian subjects.

SEC. 4. The Company is permitted to hold and use all things heretofore found and hereafter to be found in those places, as well on the surface as in the bowels of the earth, without regard for any claim thereto on the part of others.

SEC. 5. The Company is allowed in future according to necessity and its best judgment within the limits designated in Sec. 2, wherever it may be found necessary to establish new settlements and fortifications for safe habitation; and those formerly established may be extended and improved, the Company being allowed to send to those regions vessels carrying merchandise and laborers without any let or hindrance.

SEC. 6. The Company is authorized to send its vessels to all neighboring nations and to trade with them with the consent of their respective Governments. The Company is also authorized, if it so desires, to send its vessels for commercial intercourse to the Chinese ports of Canton, Amoy, Fouchowfou, Nynpofou, and Shanghai, on condition, however, that these vessels, in view of Section 2393 of the Customs Laws (Code of Laws, Volume 6, edition 1842), will in no case carry opium to China for sale.

SEC. 7. All Government institutions shall recognize the board of administration of the Russian American Company as an institution established for the management of the Company's affairs, and any demands of Government institutions relating to matters within the jurisdiction of the Company shall be addressed, not to any person or member of the Company, but to the said board.

SEC. 8. With a view of affording to the Company the greatest possible assistance in carrying out the aims of the Government which intrusted to the Company so vast an extent of territory with a considerable population, the employés of the Company, of the ranks specified in the table hereto annexed, are most graciously granted the following privileges:

1. Those of the employés who belong to the States having the right of entering into Goverment service while employed exclusively in the service of the Company, are considered as being actually in the Government service, and enjoy the right of being promoted to ranks and wearing the uniform of the Ministry of Finance. The order of promotion for them is the general civil order according to the rank and right of each of the employés. The promotion in rank is made on the recommendation of the board of administration to the Minister of

Finance, who in the case of medical employés of the civil branch must confer with the Minister of Interior Affairs.

2. As the Company enjoys the right to invite and receive into its service from other branches of the Government officers, noncommissioned officers, sailors, cannoneers, medical employés, and assistant surgeons for employment on board the vessels sailing from Russia to the Colonies, as well as in the Colonies themselves, and at Okhotsk, therefore these persons while in the temporary service of the Company are considered to be in active service with regard to all recompenses, except ranks to which promotion is made according to seniority upon recommendations from their actual superiors. The officers preserve one-half of their salary and the right to the services of an orderly. The medical employés of the civil branch are confirmed in the Company's service by the Ministry of Interior Affairs.

3. Retired employés of the Government, when entering into the employ of the Company, preserve their rank, as a general rule, and are considered to be in actual service, enjoying all the privileges above enumerated in paragraph 1.

4. The employés of the Company from classes not having the right to enter into Government service enjoy the privileges of the classes pertaining to their offices; but in retiring from the service of the Company before ten years return to their original status.

5. Those of the employés who shall have served ten years with special benefit to the Company are granted, upon recommendation of the board on being relieved from the service of the Company, personal honorable citizenship, upon transfer from the original class, and in case of particular deserts the board of administration of the Company is authorized to solicit the granting of hereditary honorable citizenship.

SEC. 9. Government employés while in the service of the Company preserve the right, if they afterwards continue in the service of the Government, to have their service in the Company counted with regard to pensions and orders of distinction for unimpeachable service.[1]

* * * * * * *

SEC. 16. The vessels sent by the Company from Cronstadt around the world, from Okhotsk and other Russian ports to the Russian colonies may be loaded with Russian products as well as with foreign goods, having once paid customs duty, and the vessels returning from such colonies with cargoes of furs and other merchandise and products may be discharged without detention upon declarations made by the board of administration at the custom-houses, and at the port of Okhotsk upon declarations from the Company's local office to the customs authorities of that place. Inasmuch as all said merchandise is being carried from one Russian port to another, it is not subject to customs duties or any other duties unless the furs are subjected by special law to an internal-revenue tax.

SEC. 17. In consideration of the remoteness of the province of Okhotsk, where the necessity arises for the repair and sometimes for the building of vessels, the Company is permitted to take in said province the necessary timber from convenient places, provided, however, that the Company's office at Okhotsk shall immediately inform the local forestry authorities of the place selected for the cutting of timber and of the quantity and quality of the timber cut.

SEC. 18. For the shooting of animals, for maritime signals, for the

[1] Sections 10-15 contain regulations relating only to internal management, and have therefore been omitted in this translation.

arming of vessels, ports, and redoubts, and for other uses on the continent and islands of America, the Company may receive for cash from the stores of the port of Cronstadt, gunpowder, cannon, ammunition, and other artillery munitions which can not be acquired by purchase in the colonies. All these articles will be furnished to the Company at the prices paid by the Navy Department with the addition of 10 per cent for the maintenance of magazines. At times when there is no communication by sea between St. Petersburg and the Colonies, the Company may receive annually on the above-stated terms from 40 to 80 pounds of gunpowder from the Government artillery store situated at Irkutsk, and about 260 pounds of lead from the smelting establishment at Nerchinsk.

SEC. 19. In order to secure freedom of action and safety in the operations of the Company, all the premises occupied by its offices are exempted from military occupation.

SEC. 20. As the capital of the Company affords ample security for private claims against its board of administration, the security required by law in case of litigation is waived on behalf of the board.

SEC. 21. It shall be the duty of all civil and military authorities and institutions not only to abstain from interfering with the Company in the enjoyment of the privileges granted, but also to warn the Company in case of necessity against any probable loss and injury, and upon requests of the board of administration and its subordinate counting and commission houses to afford all assistance and protection.

SEC. 22. The rights and privileges granted to the Company shall be in force for twenty years, reckoning from the 1st of January of the year 1842.

SEC. 23. Upon the taking effect of this charter all previous provisions relating to the Company are repealed, and will preserve their force only as to matters arising before the promulgation of the constitution.

TREATIES.

CONVENTION BETWEEN GREAT BRITAIN AND SPAIN. SIGNED AT THE ESCURIAL, OCTOBER 28, 1790.

[Translation, as laid before Parliament.]

Their Britannic and Catholic Majesties, being desirous of terminating, by a speedy and solid agreement, the differences which have lately arisen between the two Crowns, have judged that the best way of attaining this salutary object would be that of an amicable arrangement, which, setting aside all retrospective discussion of the rights and pretensions of the two parties, should fix their respective situation for the future on a basis conformable to their true interests, as well as to the mutual desire with which their said Majesties are animated, of establishing with each other, in everything and in all places, the most perfect friendship, harmony and good correspondence. In this view they have named and constituted for their Plenipotentiaries; to wit, on the part of His Britannic Majesty, Alleyne Fitzherbert, Esq., one of His said Majesty's Privy Council, in Great Britain and Ireland, and His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty; and, on the part of His Catholic Majesty, Don Joseph Monimo, Count of Floridablanca, Knight Grand Cross of the Royal Spanish Order of Charles III., Councillor of State to His said Majesty, and His Principal Secretary of State, and of the Dispatches: who, after having communicated to each other their respective full Powers, have agreed upon the following articles:

I. It is agreed that the buildings and tracts of land, situated on the north-west coast of the continent of North America, or on Islands adjacent to that continent, of which the subjects of His Britannic Majesty were dispossessed, about the month of April, 1789, by a Spanish officer, shall be restored to the said British subjects.

II. And further, that a just reparation shall be made, according to the nature of the case, for all acts of violence or hostility, which may have been committed, subsequent to the month of April, 1789, by the subjects of either of the Contracting Parties against the subjects of the other; and that, in case any of the said respective subjects shall, since the same period, have been forcibly dispossed of their lands, buildings, vessels, merchandize, or other property, whatever, on the said continent, or on the seas or islands adjacent, they shall be re-established in the possession thereof, or a just compensation shall be made to them for the losses which they shall have sustained.

III. And, in order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two Contracting Parties, it is agreed that their respective subjects shall not be disturbed or molested, either in navigating or carrying on their

fisheries in the Pacific Ocean, or in the South Seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there; the whole subject, nevertheless to the restrictions and provisions specified in the three following Articles.

IV. His Britannic Majesty engages to take the most effectual measures to prevent the navigation and fishery of His subjects in the Pacific Ocean, or in the South Seas, from being made a pretext for illicit trade with the Spanish settlements; and, with this view, it is moreover expressly stipulated, that British subjects shall not navigate, or carry on their fishery in the said seas, within the space of ten sea leagues from any part of the coasts already occupied by Spain.

V. It is agreed, that as well in the places which are to be restored to the British subjects, by virtue of the 1st Article, as in all other parts of the north-western coasts of North America, or of the islands adjacent, situated to the north of the parts of the said coast already occupied by Spain, wherever the subjects of either of the two Powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade, without any disturbance or molestation.

VI. It is further agreed, with respect to the eastern and western coasts of South America, and to the islands adjacent, that no settlement shall be formed hereafter, by the respective subjects, in such parts of those coasts as are situated to the south of those parts of the same coasts, and of the islands adjacent, which are already occupied by Spain: provided that the said respective subjects shall retain the liberty of landing on the coasts and islands so situated, for the purposes of their fishery, and of erecting thereon huts, and other temporary buildings, serving only for those purposes.

VII. In all cases of complaint or infraction of the Articles of the present Convention, the officers of either Party, without permitting themselves previously to commit any violence or act of force, shall be bound to make an exact report of the affair and of its circumstances, to their respective Courts, who will terminate such differences in an amicable manner.

VIII. The present Convention shall be ratified and confirmed in the space of six weeks, to be computed from the day of its signature, or sooner if it can be done.

In witness whereof, we, the undersigned Plenipotentiaries of Their Britannic and Catholic Majesties, have, in their names, and in virtue of our respective full Powers, signed the present Convention, and set thereto the seals of our arms.

Done at the Palace of St. Laurence, the 28th of October, 1790.

ALLEYNE FITZ-HERBERT, [L. S.]

5 EL CONDE DE FLORIDABLANCA, [L. S.]

TREATY OF 1818 BETWEEN THE UNITED STATES AND GREAT BRITAIN, RESPECTING FISHERIES, BOUNDARIES, AND RESTORATION OF SLAVES.

[Extract.]

Article II.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel or north latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel shall be the line of demarcation between the territories of the United States, and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

Article III.

It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers: it being well understood, that this agreement is not to be construed to the prejudice of any claim, which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

TREATY OF AMITY. SETTLEMENT, AND LIMITS OF 1819, BETWEEN THE UNITED STATES AND SPAIN.

[Extract.]

Article III.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course to the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the

Arkansas, to its source, in latitude 42 north; and thence by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims and pretensions, to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever.

TREATY BETWEEN THE UNITED STATES AND RUSSIA RELATIVE TO NAVIGATION, FISHING, AND TRADING IN THE PACIFIC OCEAN AND TO ESTABLISHMENTS ON THE NORTHWEST COAST, CONCLUDED APRIL 5/17, 1824

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their Plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and St. Michael, and Grand Cross of the Legion of Honor of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wiirtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual Counsellor of State, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Wladimir of the second;

Who, after having exchanged their full powers, found in good and due form have agreed upon and signed the following stipulations:

ARTICLE I.

It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE II.

With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest coast.

ARTICLE III.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE IV.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE V.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the pen-

alties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

Article VI.

When this convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at St. Petersburg the 17–5 April, of the year of Grace one thousand eight hundred and twenty-four.

[SEAL.] Henry Middleton.
[SEAL.] Le Comte Charles de Nesselrode.
[SEAL.] Pierre de Poletica.

Au Nom de la très Sainte et Indivisible Trinité:

Le Président des Etats-Unis d'Amérique, et Sa Majesté l'Empereur de toutes les Russies, voulant cimenter les liens d'amitié qui les unissent et assurer entre eux le maintien invariable d'un parfait accord, moyennant la présente Convention, ont nommé pour Leurs Plénipotentiaires à cet effet, savoir: le Président des Etats-Unis d'Amérique, le Sieur Henry Middleton, Citoyen des dits Etats, et Leur Envoyé Extraordinaire et Ministre Plenipotentiaire près Sa Majesté Impériale: et Sa Majesté l'Empereur de toutes les Russies, Ses amés et féaux les Sieurs Charles Robert Compte de Nesselrode, Conseiller Privé actuel, Membre du Conseil d'Etat, Secrétaire d'Etat Dirigeant le Ministère des affaires étrangères, Chambellan actuel, Chevalier de l'ordre de St. Alexandre Nevsky, Grand Croix de l'ordre de St. Wladmir de la 1re classe, Chevalier de celui de l'aigle blanc de Pologne, Grand Croix de l'ordre de St. Etienne de Hongrie, Chevalier des ordres du St. Esprit et de St. Michel et Grand Croix de celui de la Légion d'Honneur de France, Chevalier Grand Croix des ordres de l'Aigle noir et de l'Aigle rouge de Prusse, de l'Annonciade de Sardaigne, de Charles III d'Espagne, de St. Ferdinand et du mérite de Naples, de l'Eléphant de Danemarc, de l'Etoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre, du Lion Belge, de la Fidélité de Bade, et de St. Constantin de Parme, et Pierre de Poletica, Conseiller d'Etat actuel, Chevalier de l'ordre de Ste. Anne de la 1re classe, et Grand Croix de l'ordre de St. Wladmir de la seconde; lesquels après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes.

Article Premier.

Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique ou Mer du Sud, les Citoyens ou Sujets respectifs des hautes Puissances contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les articles qui suivent.

Article Deuxième.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand Océan par les Citoyens et Sujets des hautes Puissances contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les Citoyens des Etats Unis n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant; et que réciproquement les Sujets Russes ne pourront aborder sans permission à aucun établissement des Etats-Unis sur la Côte nord-ouest.

Article Troisième.

Il est convenu en outre, que dorénavant il ne pourra être formé par les Citoyens des Etats-Unis, ou sous l'autorité des dits Etats, aucun établissement sur la Côte nord ouest d'Amérique, ni dans aucune des îles adjacentes *au Nord* du cinquante quatrième degré et quarante minutes de latitude septentrionale; et que de même il n'en pourra être formé aucun par des Sujets Russes, ou sous l'autorité de la Russie, *au Sud* de la même parallèle.

Article Quatrième.

Il est néanmoins entendu que pendant un terme de dix années à compter de la signature de la présente Convention, les Vaisseaux des deux Puissances, ou qui appartiendraient à leurs Citoyens ou Sujets respectifs, pourront réciproquement fréquenter sans entrave quelconque, les mers intérieures, les golfes, hâvres et criques sur la Côte mentionnée dans l'article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

Article Cinquième.

Sont toutefois exceptées de ce même commerce accordé par l'article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre et munitions de guerre de toute espèce, que les deux Puissances s'engagent réciproquement à ne pas vendre, ni laisser vendre aux Indigenes par leurs Citoyens et Sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de prétexte ni être alléguée dans aucun cas, pour autoriser soit la visite ou la détention des Vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feraient ce commerce: les hautes Puissances contractantes s'étant réciproquement réservé de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet article par leurs Citoyens ou Sujets respectifs.

Article Sixième.

Lorsque cette Convention aura été duement ratifiée par le Président des Etats Unis de l'avis et du consentement du Sénat, d'une part, et de l'autre par Sa Majesté l'Empereur de toutes les Russies, les ratifications en seront échangées à Washington dans le délai de dix mois de la date ci-dessous ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à St. Petersbourg le $\frac{5}{17}$ Avril de l'an de grâce mil huit cent vingt quatre.

[SEAL.] HENRY MIDDLETON.
[SEAL.] Le Comte CHARLES DE NESSELRODE.
[SEAL.] PIERRE DE POLETICA.

TREATY BETWEEN GREAT BRITAIN AND RUSSIA, SIGNED AT ST. PETERSBURG FEBRUARY $\frac{16}{28}$, 1825.

In the name of the Most Holy and Undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an agreement which may settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their respective possessions on the North-west coast of America, have named Plenipotentiaries to conclude a convention for this purpose, that is to say: His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Stratford Canning, a member of his said Majesty's Most Honorable Privy Council, etc., and His Majesty the Emperor of all the Russias, the Sieur Charles Robert Count de Nesselrode, His Imperial Majesty's Privy Councillor, a member of the Council of the Empire, Secretary of State for the department of Foreign Affairs, etc., and the Sieur Pierre de Poletica, His Imperial Majesty's Councillor of State, etc. Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

I. It is agreed that the respective subjects of the high contracting Parties shall not be troubled or molested, in any part of the ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following articles.

II. In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the high contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment, without the permission of the Governor or Commandant; and, on the other hand, that Russian subjects shall not land, without permission, at any British establishment of the Northwest coast.

III. The line of demarkation between the possessions of the high contracting Parties, upon the coast of the continent, and the islands of America to the Northwest, shall be drawn in the manner following:

Commencing from the southernmost point of the island called *Prince of Wales* Island, which point lies in the parallel of fifty-four degrees forty minutes, north latitude, and between the one hundred and thirty-first and the one hundred and thirty third degree of west longitude (Meridian of Greenwich), the said line shall ascend to the north along

the channel called *Portland Channel*, as far as the point of the continent where it strikes the fifty sixth degree of north latitude; from this last-mentioned point, the line of demarkation shall follow the summit of the mountains situated parallel to to the coast, as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the one hundred and forty-first degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the continent of America to the Northwest.

IV. With reference to the line of demarkation laid down in the preceding article it is understood:

First. That the island called *Prince of Wales* Island shall belong wholly to Russia.

Second. That wherever the summit of the mountains which extend in a direction parallel to the coast, from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British Possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

V. It is moreover agreed, that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other; consequently, British subjects shall not form any establishment either upon the coast, or upon the border of the continent comprised within the limits of the Russian Possessions, as designated in the two preceding articles; and, in like manner, no establishment shall be formed by Russian subjects beyond the said limits.

VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean, or from the interior of the continent, shall forever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarkation upon the line of coast described in article three of the present convention.

VII. It is also understood, that, for the space of ten years from the signature of the present convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in article three for the purposes of fishing and of trading with the natives.

VIII. The port of Sitka, or Novo Archangelsk, shall be open to the commerce and vessels of British subjects for the space of ten years from the date of the exchange of the ratifications of the present convention. In the event of an extension of this term of ten years being granted to any other Power, the like extension shall be granted also to Great Britain.

IX. The above mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms, or other arms, gunpowder or other warlike stores; the high contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or delivered, in any manner whatever, to the natives of the country.

X. Every British or Russian vessel navigating the Pacific Ocean,

which may be compelled by storms or by accident, to take shelter in the ports of the respective Parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other port and light-house dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

XI. In every case of complaint on account of an infraction of the articles of the present convention, the civil and military authorities of the high contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report of the matter to their respective courts, who engage to settle the same, in a friendly manner, and according to the principles of justice.

XII. The present convention shall be ratified, and the ratification shall be exchanged at London, within the space of six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at St. Petersburg, the 16th–28 day of February, in the year of our Lord one thousand eight hundred and twenty-five.

[L. S.] STRATFORD CANNING.
[L. S.] THE COUNT DE NESSELRODE.
[L. S.] PIERRE DE POLETICA.

Au Nom de la Très Sainte et Indivisible Trinité.

Sa Majesté le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui réglerait, d'après le principe des convenances réciproques, divers points relatifs au Commerce, à la Navigation, et aux Pêcheries de leurs Sujets sur l'Océan Pacifique, ainsi que les limites de leurs Possessions respectives sur la Côte Nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir;—Sa Majesté le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, le Très Honorable Stratford Canning, Conseiller de Sa dite Majesté en Son Conseil Privé, &c. Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, &c.; et le Sieur Pierre de Poletica, Son Conseiller d'Etat actuel, &c. Lesquels Plénipotentiaires, après s'être communiqué leurs Plein-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:—

I. Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique, les Sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux Côtes, sur des Points qui ne seraient pas déjà occupés, afin d'y faire le commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

II. Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le Grand Océan par les Sujets des Hautes Parties Contractantes, ne deviennent le prétexte d'un commerce illicite, il est con

venu que les Sujets de Sa Majesté Britannique n'aborderont à aucun Point où il se trouve un Etablissement Russe, sans la permission du Gouverneur ou Commandant, et que, réciproquement, les Sujets Russes ne pourront aborder, sans permission, à aucun Etablissement Britannique, sur la Côte Nord-ouest.

III. La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Iles de l'Amérique Nord-ouest, sera tracée ainsi qu'il suit:—

A partir du Point le plus méridional de l'Ile dite Prince of Wales, lequel Point se trouve sous la parallèle du 54me degré 40 minutes de latitude Nord, et entre le 131me et le 133me degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite Portland Channel, jusqu'au Point de la terre ferme où elle atteint le 56me degré de latitude Nord: de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la Côte, jusqu'au point d'intersection du 141me degré de longitude Ouest (même Méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord-ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent:

1°. Que l'île dite Prince of Wales appartiendra toute entière à la Russie:

2°. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la Côte depuis le 56me degré de latitude Nord au point d'intersection du 141me degré de longitude Ouest, se trouverait à la distance de plus de dix lieues marines de l'Ocean, la limite entre les Possessions Britanniques et la lisière de Côte mentionnée ci-dessus comme devant appartenir à La Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines.

V. Il est convenu en outre, que nul Etablissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux Possessions de l'Autre. En conséquence, les Sujets Britanniques ne formeront aucun Etablissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et de même, nul Etablissement ne sera formé par des Sujets Russes au delà des dites limites.

VI. Il est entendu que les Sujets de Sa Majesté Britannique, de quelque Côte qu'ils arrivent, soit de l'Océan, soit de l'intérieur du Continent, jouiront à perpétuité du droit de naviguer librement, et sans entrave quelconque, sur tous les fleuves et rivières, qui, dans leurs cours vers la mer Pacifique, traverseront la ligne de démarcation sur la lisière de la Côte indiquée dans l'Article 3. de la présente Convention.

VII. Il est aussi entendu que, pendant l'espace de dix Ans, à dater de la signature de cette Convention, les Vaisseaux des deux Puissances, ou ceux appartenans à leurs Sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les Mers intérieures, les Golfes, Havres, et Criques sur la côte mentionnée dans l'Article 3. afin d'y faire la pêche et le commerce avec les Indigènes.

VIII. Le Port de Sitka, ou Novo Archangelsk, sera ouvert au Commerce et aux Vaisseaux des Sujets Britanniques durant l'espace de dix ans, à dater de l'échange des Ratifications de cette Convention. Au

cas qu'une prolongation de ce terme de dix ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à La Grande Bretagne.

IX. La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes-à-feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre; les Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre, ni livrer, de quelque manière que ce puisse être, aux Indigènes du pays, les articles ci-dessus mentionnés.

X. Tout Vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les Ports des Parties respectives, aura la liberté de s'y radouber, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres Droits que ceux de Port et de Fanaux, lesquels seront pour lui les mêmes que pour les Bâtimens Nationaux. Si, cependant, le Patron d'un tel navire se trouvait dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'Endroit où il aura abordé.

XI. Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les Autorités Civiles et Militaires des deux Hautes Parties Contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

XII. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Londres, dans l'espace de six semaines, ou plutôt si faire se peut.

En Foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le Cachet de leurs Armes.

Fait à St. Petersbourg, le $\frac{\text{Vingt huit}}{\text{Seize}}$ Février, de l'an de Grace mil-huit-cent-vingt-cinq.

[L. S.] STRATFORD CANNING.
[L. S.] LE COMTE DE NESSELRODE.
[L. S.] PIERRE DE POLETICA.

TREATY CONCERNING THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA BY HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS TO THE UNITED STATES OF AMERICA.

[Concluded March 30, 1867. Ratified by the United States May 28, 1867. Exchanged June 20, 1867. Proclaimed by the United States June 20, 1867.]

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor, Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said plenipotentiaries having exchanged their full powers,

which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, in February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

1st. That the island called Prince of Wales Island shall belong wholly to Russia (now, by this cession, to the United States).

2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kamandorski couplet or group in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

ARTICLE II.

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, un-

derstood and agreed, that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian Government, or to such Russian officers or subjects as they may apply for.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

Article VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[L. S.] William H. Seward.
[L. S.] Edouard de Stoeckl.

Sa Majesté l'Empereur de toutes les Russies et les Etats-Unis d'Amérique, désirant raffermir, s'il est possible, la bonne intelligence qui existe entre eux, ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir: Sa Majesté l'Empereur de toutes les Russies, le Conseiller Privé Edouard de Stoeckl, son Envoyé Extraordinaire et Ministre Plénipotentiaire aux Etats-Unis; et,

Le Président des Etats-Unis, le Sieur William H. Seward, Secrétaire d'Etat;

Lesquels, après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivans:

Article I.

Sa Majesté l'Empereur de toutes les Russies s'engage, par cette convention, à céder aux Etats-Unis, immédiatement après l'échange des ratifications, tout le territoire avec droit de Souveraineté actuellement possédé par Sa Majesté sur le continent d'Amérique ainsi que les îles contigües, le dit territoire étant compris dans les limites géographiques ci-dessous indiquées, savoir: la limite orientale est la ligne de démarcation entre les possessions Russes et Britanniques dans l'Amérique du Nord, ainsi qu'elle est établie par la Convention conclue entre la Russie et la Grande-Bretagne, le $\frac{1}{2}\frac{6}{8}$ Février 1825, et définie dans les termes suivans des articles III et IV de la dite convention:

A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54me degré 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich), la dite ligne remontera, au Nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme, où elle atteint le 56me degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien); et finalement du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique Nord-Ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'article précedent:

1°. Que l'île dite Prince of Wales, appartiendra toute entière à la Russie: (mais dès ce jour en vertu de cette cession aux Etats-Unis.)

2°. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie (c'est-à-dire la limite des possessions cédées par cette Convention) sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de dix lieues marines.

La limite Occidentale des territoires cédés passe par un point au détroit de Behring sous la parallèle du soixante-cinquième degré trente minutes de latitude Nord à son intersection par le méridien qui sépare à distance égale les îles Krusenstern ou Ignalook et l'île Ratmanow ou Noonarbook et remonte en ligne directe, sans limitation, vers le Nord jusqu'à ce qu'elle se perde dans la mer Glaciale. Commençant au même point de départ, cette limite Occidentale suit de là un cours presque Sud-Ouest, à travers le détroit de Behring et la mer de Behring, de manière à passer à distance égale entre le point Nord-Ouest de l'île Saint Laurent et le point Sudest du cap Choukotski jusqu'au méridien cent-soixante-douzième de longitude Ouest; de ce point à partir de l'intersection de ce méridien, cette limite suit une direction Sud-Ouest de manière à passer à distance égale entre l'île d'Attou et l'île Copper du groupe d'îlots Komandorski dans l'Océan Pacifique Septentrional jusqu'au méridien de cent quatre-vingt-treize degrés de longitude Ouest, de manière à enclaver dans le territoire cédé, toutes les îles Aléoutes situées à l'est de ce méridien.

Article II.

Dans le territoire cédé par l'article précédent à la Souveraineté des États Unis, sont compris le droit de propriété sur tous les terrains et places publics, terres inoccupées, toutes les constructions publiques, fortifications, casernes et autres édifices qui ne sont pas propriété privée individuelle. Il est toutefois entendu et convenu que les églises construites par le Gouvernement Russe sur le territoire cédé, resteront la propriété des membres de l'Eglise Grecque Orientale résidant dans ce Territoire et appartenant à ce culte. Tous les archives, papiers, et documens du Gouvernement ayant trait au susdit territoire, et qui y sont maintenant déposés, seront placés entre les mains de l'agent des Etats-Unis; Mais les Etats-Unis fourniront, toujours quand il y aura lieu, des copies légalisées de ces documens au Gouvernement Russe, aux officiers ou sujets Russes qui pourront en faire la demande.

Article III.

Il est réservé aux habitans du territoire cédé le choix de garder leur nationalité et de rentrer en Russie dans l'espace de trois ans; mais s'ils préfèrent rester dans le territoire cédé, ils seront admis, à l'exception toutefois des tribus sauvages, à jouir de tous les droits, avantages et immunités des citoyens des Etats-Unis, et ils seront maintenus et protégés dans le plein exercice de leur liberté, droit de propriété et religion. Les tribus sauvages seront assujéties aux lois et réglements que les Etats-Unis pourront adopter, de tems en tems à l'égard des tribus aborigènes de ce pays.

Article IV.

Sa Majesté l'Empereur de toutes les Russies nommera, aussitôt que possible, un agent ou des agens charges de remettre, formellement à l'agent ou aux agens nommés par les Etats-Unis, le territoire, la Souveraineté, les propriétés, dépendances et appartenances ainsi cédes et de dresser tout autre acte qui sera nécessaire à l'accomplissement de cette transaction. Mais la cession, avec le droit de possession immediate, doit toutefois être considérée complète et absolue à l'échange des ratifications, sans attendre la remise formelle.

ARTICLE V.

Immédiatement après l'échange des ratifications de cette Convention, les fortifications et les postes militaires qui se trouveront sur le territoire cédé seront remis à l'agent des Etats-Unis et les troupes Russes qui sont stationnées dans le dit territoire seront retirées dans un terme praticable et qui puisse convenir aux deux parties.

ARTICLE VI.

En considération de la susdite cession, les Etats-Unis s'engagent à payer à la Trésorerie à Washington, dans le terme de dix mois, après l'échange des ratifications de cette Convention, sept millions deux cent mille dollars en or, au Représentant diplomatique ou tout autre agent de Sa Majesté l'Empereur de toutes les Russies dûment autorisé à recevoir cette somme. La cession du Territoire avec droit de Souveraineté, faite par cette Convention, est déclarée libre et dégagée de toutes réservations, privilèges, franchises ou possessions par des compagnies Russes ou toute autre; légalement constituées ou autrement, ou par des associations, sauf simplement les propriétaires possédant des biens privés individuels, et la cession ainsi faite transfère tous les droits, franchises et privilèges appartenant actuellement à la Russie dans le dit territoire et ses dépendances.

ARTICLE VII.

Lorsque cette Convention aura été dûment ratifiée par Sa Majesté l'Empereur de toutes les Russies d'une part, et par le Président des Etats-Unis, avec l'avis et le consentement du Sénat de l'autre, les ratifications en seront échangées à Washington dans le terme de trois mois, à compter du jour de la signature ou plus tôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé cette Convention et y ont apposé le sceau de leur armes.

Fait à Washington le 18–30 jour de Mars de l'an de Notre Seigneur mil-huit-cent-soixante-sept.

[L. S.] EDOUARD DE STOECKL.
[L. S.] WILLIAM H. SEWARD.

CORRESPONDENCE RELATING TO THE AFFAIRS OF THE RUSSIAN AMERICAN COMPANY.[1]

PART I.—ILLUSTRATING RUSSIA'S EXERCISE OF JURISDICTION OVER BERING SEA.

No. 1.

Abstract of letter from the Minister of Finance to the Minister of Marine. Written from St. Petersburg April 9, 1820.

The committee of Ministers appointed by His Majesty on the 8th day of July, 1819, instructed the Minister of Internal Affairs to collect all information obtainable relating to the determination of the future rights and privileges of the Russian American Company.

Subsequently, upon highest request, the Department of Manufactures and Internal Commerce, together with the Russian American Company, submitted statements on this subject supported by the annual reports of the board of administration and by the testimony of the commanders of ships sailing in those regions, from which I learn that the foreigners, especially the citizens of the North American States, come to our Colonies in their ships and carry on both openly and secretly a trade with the native inhabitants, doing thereby great injury and wrong to our settlements in their traffic, and also endangering the general interests by furnishing the islanders with various arms and ammunitions.

In view of the recent establishment at these Colonies, and of the absence of forces required to prevent such irregularities, and of the small number of Russians scattered over an area of nearly 4,000 versts, the Company finds it impossible to occupy all localities in sufficient numbers to prevent the foreigners from maintaining their illegitimate intercourse with the native inhabitants, and from exercising their pernicious influence upon them. In this connection I have taken into consideration that the interests of the Company, its establishments and objects are inseparable from the interests of the Government, and it appears of the most imperative necessity for the preservation of our sovereignty in the northwestern part of America and on the islands and waters situated between them to maintain there continuously two ships of the Imperial fleet.

This object will, in my opinion, be most readily accomplished in the following manner.

Starting in the month of August or September of the present year, one of these armed ships can sail for the island of Sitka, and the other for the harbor of Petropavlovsk, arriving there in the month of April or May, 1821. The first having discharged at Sitka any cargo which may be intrusted to the commander, should sail to the northward along

[1] Fac-similes of the original documents will be found at the end of this volume.

the American coast to Kadiak; should the commander receive at any of these places no special information as to foreign contrabandists from the manager of the Russian American Company's Colonies, he may pursue his course to the westward, and having thoroughly examined the shores of the Aleutian Islands, the coast of Kamchatka, the Kurile Islands, and the intervening waters, he may return for the winter to the harbor of Petropavlovsk.

The other ship, however, having examined the eastern coast of the Kamchatka peninsula up to 62° of northern latitude and the west coast of America from this latitude to the island of Unalaska, and the intervening waters, should proceed to Kadiak and from there to Sitka for the winter. The object of the cruising of two of our armed vessels in the localities above mentioned is the protection of our Colonies and the exclusion of foreign vessels engaged in traffic or industry injurious to the interests of the Russian Company, as well as to those of the native inhabitants of those regions.

If in the following year, 1821, two similar ships are dispatched from our Baltic ports they could in May or June of the year 1822 relieve the ships sent out in 1820, and the latter could return to their home ports by the middle of 1823.

In this manner two ships of war would always be present in the Colonies, and the Company would be assured of their protection. In addition to the other advantages resulting from this arrangement it would afford a most excellent opportunity for the officers of the Imperial navy to perfect themselves by practice in the science of navigation.

In submitting this proposition to your Excellency, I consider it unnecessary to enumerate in detail the advantages resulting therefrom, but you must not omit to take into consideration the expenditure involved in such an undertaking. It therefore becomes necessary to know how much the fitting out of such ships and the maintenance of their crews would cost the treasury. We should also know whether it be possible for such ships to take in addition to provisions and stores for their own use during a period of three years any other supplies which may be needed in Kamchatka and Okhotsk, and how much of their tonnage could be devoted to the latter object. This information would be useful also for other purposes.

The Governor-General of Siberia, in his report on the impoverished condition of the Yakutsk country, points out as the principal reason for this condition the burdens imposed upon the people through transportation of Government and commercial cargoes overland from Yakutsk to Okhotsk. If by means of the vessels of the Imperial fleet to be dispatched to those shores the Yakutsk people are relieved from this service, they may devote their energies to cattle-breeding, already established among them them and thus better their deplorable condition.

If your Excellency should find an annual dispatch of two such vessels, as suggested above, practicable, and if the two vessels, or one, as the case may be, could take in addition to their own supplies a certain quantity of arms and ammunition for Okhotsk and Petropavlovsk, such a measure would relieve the suffering Yakutes and at the same time afford a partial reimbursement of the Government's expense. A force of soldiers and sailors should also be stationed at the two ports mentioned above in order to fill all vacancies caused by death or otherwise in the commands of the cruising vessels.

In thus laying before you my thoughts on the subject I am permitted to state that they have received the highest consideration of His Impe-

rial Majesty, and I can assure your Excellency that the proposition meets with the highest approval, and this matter is submitted to you now to enable you to consider the arrangements necessary to be made for the purpose of taking in due time action looking toward a renewal of the privileges and rights now enjoyed by the Russian American Company under Highest protection.

True copy.

ZELENSKIY,
Chief Clerk.

No. 2.

Letter from the Minister of Finance to the Board of Administration of the Russian American Company. Written from St. Petersburg, April 10, 1820.

[Confidential.]

The report of your board, dated November 14, 1819, has, up to this time, remained unanswered, because the necessary information concerning the contracts concluded with the Englishman Pigott had not been received. Of this the board spoke in its report.

The information is now at hand, having been received on the 3d ultimo. At the same time I also received detailed statements of the appointment by the Government of Court-Councilor Dobello as resident agent on the island of Manilla, and of the propositions of this officer to dispatch a vessel from there to Kamchatka with provisions in order to convince the Government how cheaply the country may be supplied from the Philippine Islands. Mr. Dobello also requested permission to dispatch from Manilla to Cronstadt two ships with tea and other Chinese goods.

All these propositions were duly submitted to His Majesty the Emperor, and I have now received the following highest decision of His Imperial Majesty:

1. That the contract entered into with the Englishman Pigot can not be sustained by the Government; but since the whaling industry may be of use as a means of securing subsistence to the inhabitants of Kamchatka and Okhotsk in case of failure in the fisheries, and as a basis for establishing a new branch of trade from which the Russian American Company may derive considerable profit, His Imperial Majesty has most graciously deigned to turn his attention to this subject and has expressed the opinion that for this purpose a ship should be employed, furnished with all necessary implements and instruments and manned with the very best officers and sailors. To enable the Company to secure skilled masters for inaugurating this enterprise, Mr. Dobello has been instructed to endeavor to obtain such with the understanding that in addition to their salaries they shall be entitled to certain rewards and premiums, including one pood of oil from every whale or other marine animal killed by them.

2. The commander of the Government of Irkutsk is hereby instructed to forbid all foreigners except such as have become Russian subjects to enter the mercantile guilds or to settle in business in Kamchatka or Okhotsk; also to entirely prohibit foreign merchant vessels from trading in these localities and from anchoring in any port of Eastern Siberia, except in case of disaster. (In such cases great care should be taken

that no part of their cargo be discharged or sold to anybody, under pain of confiscation of the ship.) It is hereby ordered that the local authorities shall inform the Englishman Davis at Okhotsk and Dobello's agent in Kamchatka that the Government does not permit them to reside in those places, much less to erect buildings or other immovable property. In consideration of said prohibition they will be awarded damages and afforded every facility on the part of the local authorities to dispose of their property and to take their departure. Mr. Dobello, however, is hereby instructed that the ship which he proposes to dispatch from the Philippine Islands to Kamchatka may, on this single occasion, take goods as well as provisions, and he shall be permitted to dispose of the same. But to prevent him from dispatching such vessels in the future, he is permitted to supply only Russian ships belonging to the Government or to our American Company, which may call at Manilla for supplies.

3. Permission is denied to Mr. Dobello to dispatch two ships to Cronstadt with tea and other Chinese goods, since such operations do not accord with the views of the Government, and he is hereby informed that he has been and is now required only to furnish information as to the prices of Chinese goods at Manilla and as to what supplies and production from Eastern Siberia could be profitably disposed of there, to the end that all such information may be used for the benefit of our American Company in all its various commercial transactions.

Pursuant to this highest decision I have already addressed the Governor-general of Siberia and the Minister of Foreign Affairs and sent the necessary orders to Mr. Dobello; and now the following propositions are laid before the board of administration of the Russian American Company:

1. From the whaling industry on the eastern shores of Siberia the Government expects not only such advantages as have been pointed out by the Governor-General of Siberia and by the commander of the districts of Kamchatka in their communication, of which copies are herewith appended, but discovers in this industry the promise of special advantages to the Company, and therefore hopes that the board of administration will at once furnish the means necessary for taking the preliminary steps toward the inauguration of whaling in those waters and proceed, without waiting for the information requested from Mr. Dobello, to inform itself concerning the engagement of experienced masters, etc. A ship should be purchased at once and dispatched in the following year, if it be found impossible to do so during the present.

2. Having, for the benefit of the American Company, excluded all foreigners from Kamchatka and Okhotsk and prohibited them from engaging in trade and from hunting and fishing in all the waters of Eastern Siberia, the Government fully expects that the Company, on its part, will hold itself responsible for supplying those regions with all necessaries. In connection with this requirement, and in consideration of a request from the Governor-General of Siberia, the board of administration will report on the following points: A. As to the means by which communication can be maintained between Yakutsk and Okhotsk without oppression of the Yakut people. B. Whether the Company can undertake to land at the ports of Petropavlovsk and Okhotsk provisions, especially flour and salt, from their correspondents in California or the Philippine Islands, in such quantities as may be required by the Government forces and officials and by all other inhabitants, employing for this purpose a ship which must visit the places named at least once a year and at a time previously fixed; also as to the probable cost of pro-

visions, prices of freight, etc. C. To propose measures for a development and increase of the fishing industries for the benefit of the native population of Kamchatka and Okhotsk. D. Whether the Company can undertake to furnish the districts of Kamchatka and Okhotsk with all the necessary articles of trade which the inhabitants now receive from Irkutsk, and at what prices.

3. In refusing permission to Mr. Dobello to dispatch ships loaded with tea and Chinese goods, the Government had in view the avoidance of any complications which might interfere with the full enjoyment by the Russian American Company of its privileges granted by Imperial ukase, not only in connection with the trade in teas across the Chinese border at Kiakhta, but also in connection with the exclusive rights of trade and navigation in all the waters adjoining the Siberian as well as the American possessions of Russia, and all interior waters connected therewith. For this purpose Mr. Dobello was requested to furnish detailed information of the trade and commerce at the Philippine Islands, in order to relieve the Company of the necessity of employing foreign ships and masters for this trade which involves their admission to waters reserved for the exclusive use of the Russian American Company under its charter.

In conclusion it is stated as the decision of His Majesty the Emperor, in view of possible future complications of this nature, that no contracts involving the admission, free navigation, or trade of foreign ships and foreign subjects in the waters adjoining or bounded by the coasts of the Russian Colonies will be approved by the Imperial Government.

The board of administration of the Russian American Company is hereby informed that Court-Councilor Dobello has not been recognized as Russian consul by the Spanish Government, because the court of Madrid declares it to be contrary to its colonial system to admit foreign consuls to its colonies; but having acquiesced in his residence at Manilla and in his exercise there of the duties of agent, it is now understood that the object of his appointment was only to assist vessels of the Russian American Company visiting Manilla in purely commercial transactions.

Count D. Guryef, *Minister of Finance.*
Count Yakov Lambert, *Privy Councilor.*

No. 3.

Letter from the Board of Administration of the Russian American Company to Captain M. I. Murarief, of the Imperial Navy, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, April 23, 1820.

[Confidential.]

On the 10th instant the Minister of Finance communicated to the board of administration in a message marked confidential, the will of His Imperial Majesty in the following words:

1. That the contract concluded with the Englishman Pigott is disapproved by the Government.

2. That the Governor of Irkutsk be instructed to allow no foreigners, except such as have become Russian subjects, to join in any commercial guild or to settle in Kamchatka or Okhotsk; also to strictly pro-

hibit all foreign mercantile vessels from visiting these points, or trading in any of the ports of Eastern Siberia, except in case of disaster, when the strictest vigilance must be exercised to prevent the disposal of any of the vessel's cargo, under pain of confiscation of both ship and cargo. At the same time the Englishman Davis at Okhotsk and Dobello's agent at Kamchatka must be informed that the Government does not permit them to reside at those places, much less to acquire houses or other immovable property. The local authorities are instructed to allow them damages for the immediate disposal of what property they have already acquired, and to see to their immediate departure. Mr. Dobello is to be informed that the ship he has proposed to dispatch from the Philippine Islands to Kamchatka with provisions and articles of luxury will not be allowed to visit Kamchatka, unless it be transferred to the ownership of a Russian subject, preference to be given to the Russian American Company, operating under highest protection.

3. Permission is also denied to Mr. Dobello to despatch any ships to Kronstadt with teas or other Chinese goods, such transactions being in direct conflict with the views of the Government. He is also informed that no further intercourse is possible between him and the authorities of Eastern Siberia, and that even if supplies should be needed from Manilla or any other adjacent foreign country, such transactions would be intrusted to the hands of our American Company.

Having informed you of these highest views, the board of administration adds the following explanation:

The contract which was disapproved by the Imperial Government was concluded with Pigott on the 18th of June, 1819, for a period of ten years by Mr. Riccord, commander of the Kamchatka district, and Court-Councillor Dobello on behalf of the Government, parties of the first part, and the above named Englishmen Pigott on behalf of himself and his partners, Davis, Ebbets and Meek, captains of American merchant vessels, of the second part, for the purpose of whaling and hunting marine animals for their furs and oil on the coasts of Kamchatka and of Eastern Siberia, in the harbors, bays and straits, and on the islands, for their own benefit and profit, without any duty or royalty, and with the privilege of carrying the Russian flag, and with the additional privilege of fishing and of shipping the catch from Kamchatka on payment of fifty kopeks per poud on salted fish. This contract was naturally considered by the Government to be injurious to the interests of the Company, since all the benefits accrued to foreigners, and no provision was made to protect the native inhabitants of those regions who depend for their principal means of subsistence upon fish, which under this contract would have been carried away by foreigners before their longing eyes.

Having thus reached the conviction that the real object of these scheming foreigners, with whom it appears that Dobello was allied on terms of intimacy, was not only to obtain the privilege of killing whales and of trying out their blubber, or the chase of other marine animals which frequent our waters that wash the coasts of Eastern Siberia, but rather to gradually obtain control over our Kurile and Aleutian Islands for the purpose of hunting sea-otters and fur-seals, which object, had it been obtained, would have crippled the Russian American Company, the board of administration expresses the following opinion:

As soon as the Imperial Government ascertained that the contracts made were in open violation of the privileges granted the Company, it prohibited at once all foreigners not only from settling in Kamchatka or Okhotsk, but also from all intercourse with those regions, enjoining

the authorities to maintain the strictest surveillance over their movements. Basing your own action upon this proceeding on the part of our Highest Protector, you as commander of all our Colonies must prohibit with equal strictness all foreigners from engaging in any intercourse or trade with native inhabitants, as well as from visiting the waters frequented by sea-otters and fur-seals, over which our operations extend, under the penalty of the most severe measures, including the confiscation of ships and the imprisonment of crews engaged in this illegal traffic. You must act with the greatest severity in cases where foreigners have sold to the natives arms, powder, and lead. They must be made to understand that their presence in our waters is contrary to our laws, and that they will never be admitted to any port unless you or your subordinates convince yourselves that such is necessary for the saving of life. In a word, you must preserve an attitude in full accord with the views of the Imperial Government on this subject, and protect against all intruders the domain of land and water granted to us by the grace of the Emperor, and necessary for our continued existence and prosperity.

You must transmit these instructions without delay to your subordinate commanders for their conduct in their intercourse with foreigners, and especially to the commanders of ships navigating our waters, to enable them to drive away the foreign intruders.

The communication from the Minister of Marine also contained a copy of a letter from the present Governor-General of Siberia embodying many suggestions and opinions of advantage to the Company. Of this document the board of administration forwards a copy for your guidance, to enable you to act for the best interests of the Company.

MICHAEL KISSELEF,
VENEDICT KRAMER,
ANDREI SEVERIN,
Directors.

APRIL 23, 1820.
No. 265.

P. S.—We hereby inform you that the Government has decided to dispatch two ships around the world during the present summer; one to winter in Kamchatka, and the other to proceed to Sitka and to cruise in search of foreign vessels.

No. 4.

Letter from the Board of Administration of the Russian American Company to Capt. M. I. Muravief, Chief Manager of the Russian American colonies. Written from St. Petersburg, March 31, 1821.

Your two letters from Okhotsk, of the 26th and 28th of July, have been received by us with satisfaction, but with still greater pleasure we read your just remarks relating to various subjects intimately connected with the Company's interests. For this we render you our most sincere thanks, wishing you at the same time a safe arrival at your destination and good health, and that you may always retain at heart the best interests of our Company.

Your remarks to Mr. Riccord can not, we think, have been very ac-

ceptable to that gentleman. From the copy herewith inclosed of communications from the ministries you will see that the Imperial Government not only repudiates Messrs. Riccord, Dobello, and Pigott, but also prohibited them altogether from trading in Okhotsk and Kamchatka, with the result that to-day the foreigners have abandoned their enterprise in that region, and no other foreigners will be allowed to visit these places in the future. The principles involved in this action of the Government you must also observe in dealing with foreigners who may visit our Colonies, using all the force at your command to drive them from our waters. Together with our new privileges, which have already been promulgated by the minister, and which are only awaiting the return of our monarch, we shall also receive definite instructions how to deal with foreigners who venture to cross the limits of possessions acquired long ago through Russian enterprise and valor.

From the same ministerial documents you will see that the Company has been urged to engage in the whaling industry, and the necessary experiments will be entered into at once, though we know beforehand that no great profits will accrue to us therefrom, since Kamchatka and Okhotsk are districts very thinly populated, affording but an insignificant market for whale oil, and we could not sell it anywhere else. In these documents you will also find that the Government desires the Company to supply Kamchatka and Okhotsk with breadstuffs, but this we are compelled temporarily to decline. When the *Borodino* called at Manilla, there appeared to be no market for the articles of Russian manufacture which, in Dobello's opinion, could be sold there with profit; on this matter, however, you must be fully informed through our officers, who must have reached you long ago, and who it is to be hoped are now on their return voyage. There only remains the hope of obtaining bread from California, if the missions there have not been abolished. Your information on this point has been gratifying to us.

Upon all the questions submitted by Mr. Yanovsky, we have embodied our decisions in dispatches already forwarded to you, accompanied by copies of all papers for use in case of loss of the originals which were sent on the *Borodino*.

During the present year no naval vessel has been dispatched around the world for the protection of our Colonies, but now two ships are being fitted out, to the command of which Tulubief and Filatof have been appointed, the former being in charge of the squadron. You will, therefore, have an ample force patrolling our waters and protecting our interests. In addition, we send you the brig *Rurik*, commanded by Master Klotchkof. The brig is to return to us after cruising in colonial waters. In the accompanying newspapers and journals forwarded by the *Rurik*, with the additional dispatches, you will learn the state of affairs in Europe and in other countries.

Renewing our wishes for your prosperity and good health, we have, most gracious sir, the honor to remain, with the most sincere friendship and respect,

Your very humble servants,

MICHAEL KISSELEF.
VENEDICT KRAMER.
ANDREI SEVERIN.

No. 5.

Letter from the Board of Administration of the Russian American Company to Captain M. I. Muravief, of the Imperial Navy, Chief Manager of the Russian American Colonies. Written from St. Petersburg, August 3, 1820.

In order to enable you to issue your instructions to the various offices and to the managers of the islands of St. Paul and St. George, as well as for your own information, we inclose herewith a statement of the views entertained by the General Government, as well as by the management of the Company. You will perceive from this statement that we, as well as the Government, do not countenance any intercourse with foreigners, or the admission of foreigners within the precincts of our possessions, except in case of absolute necessity. Heretofore, all such transactions have generally resulted in serious losses to us, and the very presence of foreigners in our waters has become a vital question, affecting the existence of the Company. The board of administration expects you to exercise the utmost vigilance on this subject, and to warn all district commanders against any intercourse with foreigners. To enable you to comply with these instructions more strictly, we shall henceforth dispatch every year a ship with supplies for the Colonies.

VENEDICT KRAMER,
Director.

ANDREI SEVERIN,
Director.

[Inclosure in No. 5.]

Orders from the Russian American Company to its Kadiak office. August 3, 1820.

The deceased Baranof was frequently instructed to abstain as far as possible from all intercourse with the foreigners visiting our Colonies, and also to inform the subordinate officers at Kadiak, Unalaska, and the seal islands on this subject. Now it has been decided to dispatch annually to the Colonies a ship loaded with all supplies needed for the maintenance of the people, ships, etc. In the years 1816 and 1819 the ships *Kutuzof* and *Borodino* were dispatched with valuable cargoes, and during the present year the *Kutuzof* will be again dispatched; consequently there will be no necessity for dealing with foreigners in the matter of supplies. It is the desire of His Majesty the Emperor, which has been communicated to our Company, that all such intercourse should cease, and that the benefits arising from the possessions acquired by Russia on the coasts of Asia and America should accrue wholly to the benefit of Russian subjects, and especially to our Company under its Imperial charter. The Imperial Government has also issued orders to expel from Okhotsk and Kamchatka all foreigners who come there for the purpose of trade; as well as to abstain henceforth from all intercourse with any foreigners who may hereafter visit those shores. For the sake of preserving intact our valuable privileges in the waters over which our trade and industry extends, we may well dispense with such articles of luxury as the foreigners endeavor to make us purchase from them. Consequently, each commmander of a station will be held strictly responsible for the slightest infraction of these rules, or the most trivial transactions between foreigners and the people in his charge. In cases of necessity protection will be afforded by the commanders of New Archangel and of Okhotsk.

No. 426.

AUGUST 3, 1820.

No. 6.

Letter from the Board of Administration of the Russian American Company to Captain-Lieutenant and Knight M. I. Muravief, Chief Manager of the Russian American colonies. Written from St. Petersburg, March 15, 1821.

Mr. Yanovsky, in his report under date of February 25, 1820, No. 41, describing his inspection of the fur-seal industry on the islands of St. Paul and St. George, remarks that every year a greater number of young bachelor seals is being killed, while for propagation there remained only the females, sekatch,[1] and half sekatch.[2] Consequently only the old breeding animals remain, and if any of the young breeders are not killed by autumn they are sure to be killed in the following spring. From this it naturally results that the industry decreases every year in volume, and that in course of time it may be extinguished entirely, as can clearly be seen from experiments made. In order to avert such disaster it would be to our great advantage that for one year no seals at all should be killed. Then strict orders should be issued that the annual take of seals should not exceed 40,000 on St. Paul and 10,000 on St. George. Mr. Yanovsky thinks that under such rules the fur seal will not continue to diminish. The board of administration of the Company, while acknowleging the justice of these remarks, would desire that these measures be employed only in case of a failure to discover other seal rookeries on islands to the northward and southward of the Aleutian chain, which it is hoped to discover. In the meantime, on the islands of St. Paul and St. George, every third year the first "prival"[3] only should be worked on one of the islands, in turn. For instance, if on one island the first "prival" is spared, killing from this "prival" is done on the other; and, again, when a period of rest is observed on the second island, all three "privals" are worked on the first island to make up the annual catch determined upon for both islands. In this way the people will not be idle during any year, since they can easily be carried to whichever island is designated for working all three "privals."

If, however, the islands to the northward are discovered, and are found to be available for sealing, we may, in conformity with Mr. Yanovsky's opinion, instruct the officials of St. Paul and St. George to work them every fifth year, limiting the annual catch in the interval on St. Paul Island to 40,000 and on St. George to 10,000. We must suppose that a total suspension of killing every fifth year will effectually stop the diminution of the fur-seals, and that it will be safe at the expiration of the close season to resume killing at the rate mentioned above. By strict observance of such rules, and a prohibition of all killing of fur-seals at sea or in the passes of the Aleutian Islands, we may hope to make this industry a permanent and reliable source of income to the Company, without disturbing the price of these valuable skins in the market. Great care must be taken to prevent the burning of skins subjected to artificial drying. This process must not be resorted to with salt wood (driftwood), and if no other can be obtained, the greatest care must be taken to regulate the fires. The non-observance of strict

[1] Bulls.

[2] Young bulls.

[3] The word "prival" means the larger waves of an incoming tide, and it is used upon the assumption that the seals are landed upon the islands in three distinct waves or "privals." The meaning of the text is not quite clear at this point.

rules upon this point has already been the cause of losses to the Company amounting to millions of rubles. The latest shipments of fur seals to Russia were in fair condition, consequently we may hope that equal care will be taken in the future. When you visit the islands you will make such arrangements as in your judgment will prove beneficial to both the Company and the natives employed. If, from unforeseen circumstances, you should be prevented from visiting the islands in question, be sure to send a trustworthy representative who will impress upon officials as well as employés that our rules for preserving these valuable animals must be observed.

With the greatest respect, we are your Excellency's humble servants,

MICHAEL KISSELEF,
VENEDICT KRAMER,
ANDREY SEVERIN,
Directors of the Russian American Company.

No. 7.

Letter from the Board of Administration of the Russian American Company to Captain-Lieutenant M. I. Muravief, Chief Manager of the Russian American Colonies. Written from St. Petersburg September 7, 1821.

The board of administration having received a copy of the rules for the limits of navigation and communication along the coast of Eastern Siberia, the northwest coast of America, the Aleutian, Kurile, and other islands and the intervening waters, established and confirmed by His Majesty the Emperor and transmitted to the governing senate for promulgation and publication, we hereby send you one stamped copy for your guidance and observance. These rules and regulations will be translated into the English and French languages, and as soon as these translations have been received we shall endeavor to forward them to you by one of the naval vessels.[1]

VENEDICT KRAMER,
Director.
ANDREI SEVERIN,
Director.

No. 8.

Letter from the Board of Administration of the Russian American Company to Captain Lieutenant of the Imperial Navy and Knight M. I. Muravief, Chief Manager of the Russian American Colonies. Written from St. Petersburg September 20, 1821.

The Minister of Finance, His Excellency Count Dmitry Alexandrovitch Guryef, under date of the 18th instant, has informed the board of administration of the Company that His Imperial Majesty, on the 13th day of the present month, has most graciously deigned to consider in private council the propositions submitted by his Excellency of granting anew

[1] The rules referred to are the ukase of 1821. See Vol. I, p. 16.

to the Company its rights and privileges for a period of twenty years. A new set of rules and regulations were also taken under advisement, and the subsequent action, as evinced by the imperial edict, furnishes proof of the sincere anxiety on the part of the Imperial Government to assist all praiseworthy and patriotic enterprises, such as that represented by our Company, and to extend over them its highest protection. Our august Monarch is ready to do all in his power to further the efforts of the Russian American Company in spreading civilization and christianity in the most distant possessions of Russia, promising at the same time to secure to the Company its well-deserved profits and advantages.

The board of administration of the Company has received the edict and accompanying regulations as promulgated by the directing senate, and ten copies of these documents with the seal of the Company affixed are herewith inclosed.

With this precious act in your hand you will be enabled to assume a new position and to stand firmly opposed to all attempts on the part of foreigners to infringe upon our rights and privileges. In accordance with the will of His Imperial Majesty, we will not be left to protect unaided the land and waters embraced in our exclusive privileges. A squadron of naval vessels is under orders to prepare for a cruise to the coasts of northeastern Asia and northwestern America. In your dealings with foreigners you will act especially under the provisions of the following paragraphs contained in the new regulations: 35, 39, 41, 43, 44, 46–49, 51, 52, 53, 55–60, 62, 64, 67–70. These paragraphs bear plainly upon the points in dispute between us and other seafaring nations. We can now stand upon our rights and drive from our waters and ports the intruders who threaten to neutralize the benefits and gifts most graciously bestowed upon our Company by His Imperial Majesty. Faithfulness and energy on your part in carrying out the provisions of this edict will be duly reported to and appreciated by the highest authorities.

Of the copies of the documents herewith inclosed,[1] you will furnish one each to the offices of New Archangel, Kadiak, Unalaska, Ross, and to the agents on the northern fur-seal islands, with instructions to comply with all its provisions as far as local circumstances will permit, with such additional explanations as you may see fit to furnish to the various individuals in charge. It is necessary to add that such additional instructions and explanations must be uniform in tenor and expression in order to avoid misunderstanding and embarrassment to the board of administration.

Upon the receipt of such overwhelming evidence of the good will of our Monarch toward the Company we most sincerely congratulate you and your colaborers in the field of enterprise.

In our future correspondence we will not forget to further enlarge upon this subject as circumstances may require. Lack of time prevents us from saying more at present.

VENEDICT KRAMER,
Director.
ANDREI SEVERIN,
Director.

[1] A copy of the ukase, translated into the English language, was inclosed with this letter, and from it is copied the translation of the ukase inserted in Vol. I, p. 24.

No. 9.

Letter from the Board of Administration of the Russian American Company to Captain Lieutenant of the Imperial Navy and Knight M. I. Muravief, Chief Manager of the Russian American Colonies, written from St. Petersburg, February 28, 1822.

In your dispatch No. 36, dated January 21, 1821, you asked for instructions as to sending in one cargo all the furs remaining in your hands, as you did in that year, shipping 60,000 fur seals by the *Borodino*. The board of administration of the Company informs you that it is necessary to suspend for a time shipments of fur-seals, since those shipped by the *Borodino* still remain unsold, and other lots are in the same condition at Moscow and in Siberia. These fur-seals were not sold because the demand for them as well as all other furs, has been greatly reduced during the Turco-Grecian difficulty. However, you need not on that account discontinue the shipments of the other valuable furs by the way of Okhotsk and Kronstadt. As to fur-seals, however, since our Gracious Sovereign has been pleased to strengthen our claims of jurisdiction and exclusive rights in these waters with his strong hand, we can well afford to reduce the number of seals killed annually, and to patiently await the natural increase resulting therefrom, which will yield us an abundant harvest in the future.

In reference to your action in disposing of the Japanese brass cannon, we fully approve of what you have done. You did not need them in the colonies, since you must have on hand sufficient armament to fit out all the Company's vessels as cruisers for the protection of our waters.

MICHAEL KISSELEF.
V. KRAMER.
ANDREI SEVERIN.

No. 10.

Letter from the Board of Administration of the Russian American Company to Captain-Lieutenant of the Imperial Navy and Knight M. I. Muravief. Written from St. Petersburg July 31, 1822.

From the inclosed ministerial documents and the observations thereon by the board of administration you will see that England and the United States are contesting the privileges and marine jurisdiction conferred upon the Company. The first-mentioned power protests against the boundary claimed by our Government on the line of the fifty-first parallel; the other power against the prohibition of foreign vessels from approaching within 100 miles of our colonies. In view of these pretensions His Imperial Majesty has deigned to instruct the Russian Minister to the United States to negotiate with the Government of those States as to what measures could be taken which would prove satisfactory to both, with a view of averting further disputes.

If you should happen to become involved in difficulties with foreigners on that subject, you may allow yourself to be guided by the spirit of the above-mentioned documents. At the same time we can inform you that without regard to future negotiations His Imperial Majesty, through the naval commander of his general staff, has ordered the com-

mander of the frigate *Kreisser*, about to sail for the Colonies, not to insist too strictly upon the full distance of 100 miles, while at the same time affording the fullest protection to our industries, and proceeding with all foreign ships engaged in pursuits injurious to them to the full extent of marine jurisdiction.

V. KRAMER.
ANDREI SEVERIN.

[Inclosure.]

Letter from the Minister of Finance to the Board of Administration of the Russian American Company. Written from St. Petersburg, July 18, 1822.

The managing chief of the ministry of Foreign Affairs has informed me that on presentation by our Government to the cabinets of London and Washington of the rules promulgated on the 4th day of September, 1821, concerning the limits of navigation and system of coastwise intercourse along the shores of Eastern Siberia, northwestern America, and the Aleutian and Kurile Islands and others, protests were entered by the English and North American Governments against what they called an extension of our domain, as well as against the rule forbidding foreign ships from approaching the above-mentioned localities within the distance of 100 Italian miles.

In considering my report on these representations, His Majesty the the Emperor, wishing always to preserve the best possible understanding with foreign powers, and having in view at the same time the possibility of acts of violence occurring between Russian and American vessels and the misfortunes which thence might result, has deigned to instruct the naval authorities to guide their action by his sentiments on this subject. These instructions will be communicated to the commander of the two Imperial ships ordered to sail this year for the Northwest Coast of America. In the meantime I am authorized to communicate to you the following:

1. That Baron Tuyll von Seroskerken has been appointed as successor to Mr. Poletica in the position of Imperial Russian Ambassador and Minister Plenipotentiary to the United North American States, and that he has already taken his departure for Washington in order to consult with the Government there as to such measures as may prove satisfactory to both and meet with mutual consent, avoiding all further difficulties concerning our mutual rights in connection with our possessions on the Northwest Coast of America. His principal object will be to abolish all cause of complaint on the part of our American Company concerning the intrusive enterprise of certain subjects of the United States, and also to relieve them of a strict observance of the edict dated September 4, 1821, which in every other respect must be sustained.

2. In order that Baron Tuyll's negotiations may be facilitated and brought to a speedy conclusion, he has been furnished with a transcript of the Russian American Company's views as to the rules we could ask the Government of the American United States to observe, with a view to the maintenance of friendly intercourse without injury to the vast interests of our Company and those of the native inhabitants of that country. The rules to be proposed will probably imply that it is no longer necessary to prohibit the navigation of foreign vessels for the distance mentioned in the edict of September 4, 1821, and that we will

not claim jurisdiction over coastwise waters beyond the limits accepted by any other maritime power for the whole of our coast facing the open ocean. Over all interior waters, however, and over all waters inclosed by Russian territory, such as the Sea of Okhotsk, Bering Sea, or the Sea of Kamchatka, as well as in all gulfs, bays, and estuaries within our possessions, the right to the strictest control will always be maintained.

In informing me of the highest will on these points the managing chief of the ministry of Foreign Affairs expresses the desire to obtain a full and clear discriptive statement of all localities which are at the present day occupied by the Russian American Company, and over which the same Company is now enjoying its exclusive privilege of trade, navigation, and fishery in order to make it possible to ascertain definitely the points to which foreign vessels may be admitted without injury to the Company's vested rights.

The managing chief of the ministry of Foreign Affairs adds that when, in the charter granted to the Russian American Company in the year 1799, the fifty-fifth degree of northern latitude was settled upon as the southern boundary, this line was looked upon as well to the northward of any possessions claimed by other powers, and one which could safely be changed in case our Russian American Company should be found occupying territory farther south.

For this reason Privy Counselor Count Nesselrode suggests that it would be well for the Russian-American Company to compile in addition a list of its stations, the time of their establishment, and maintenance, together with any information they may possess of the situation, strength, and importance of any establishments maintained in the vicinity of our possessions by English or North American trading companies.

In order to enable me to comply with these various suggestions, and in view of the urgency of the matter in hand, I now respectfully request the board of administration of the Russian American Company to furnish me, without any unnecessary delay, a report containing the information specified above, in duplicate, one copy to be forwarded to the Imperial Ambassador at Washington. At the same time I am authorized to assure you that every effort will be made to secure the adoption of such rules as will effectually protect the Russian American Company from inroads on the part of foreigners upon their vested priviliges, in strict conformity not only with the privileges granted by highest act, but also with the edict of September 4, 1821.

Count D. GURYEF,
Minister of Finance.
Y. DRUSHININ.
Director.

No. 11.

Letter from the Minister of Finance (Department of Manufactures and Internal Trade) to the Board of Administration of the Russian American Company. Written from St. Petersburg April 2, 1824.

On the subject of your representations, under No. 73, of February 11 of this year, concerning the permission to foreign vessels of entering the harbor of New Archangel for the purpose of trading with the chief manager of the Russian American Colonies for such necessaries as he

may be in want of, I have received a communication from the Minister of Foreign Affairs.

Count Karl Vassilievitch has been pleased to inform me that he has submitted the matter to His Majesty the Emperor, and that His Majesty, finding that the solicitations on the part of the board of administration of the Russian American Company concerning the renewal of intercourse with foreigners in the Colonies were deserving of attention, has most graciously ordained that intercourse and trade with foreign ships in the Colonies may be carried on under established regulations, and in one port designated for the purpose.

Informing you of this gracious permission on the part of His Majesty the Emperor, I will add that I am authorized to state that it is the intention of the proper authorities to designate Sitka as the one port which foreign vessels will be permitted to enter for the purpose of trading with the Company only.

Lieutenant-General KANKRIN,
Minister of Finance.
SERGEI UVAROF,
Director.

No. 12.

Letter from Count Nesselrode to Nikolas Semenovitch Mordvinof. Written from St. Petersburg April 11, 1824.

The communication of your Excellency, dated February 20th of this year, in which you express your opinion on the subject of the rights of the Russian American Company to control certain parts of the northwest coast of America, and on the threatening dispute over the limits of such rights, I have had the honor to submit to His Majesty the Emperor. His Majesty, upon receipt of the communication, most graciously gave it his immediate and careful attention. His Majesty was pleased to enter into the subject with the thoroughness and promptitude which, as your Excellency is well aware, he bestows upon all subjects relating to the welfare of Russian subjects, especially of those who by their enterprise and energy have contributed to the enlargement and development of the Empire. The Emperor recalls with pleasure all that has been accomplished by our bold navigators in the discovery of islands and coasts of America; their efforts and successes, their losses and the dangers incurred in the settlement of regions theretofore unknown, the natural riches of which they were the first to gather in and to lay before the civilized world. These achievements doubtless gave us the right to look for commensurate advantages from those regions, and His Majesty's ministers will not during the present negotiations ignore, nor have they at any other time ignored, this point of view. But while endeavoring to preserve the advantages gained under such difficulties, and while anxious to obtain others by all legitimate means, we must not forget that there may be other more important public interests and requirements imposing other more important duties upon the Government.

I consider it unnecessary, my dear Sir, to explain to you, who are thoroughly versed in all branches of the science of government, that in political negotiations we can not confine ourselves to weighing only the greater or lesser immediate advantage involved in a question. His

Majesty's ministers primarily consider the right and justice of a question, and when right or justice can not be obtained without sacrifice, they make the lesser interests yield to the greater, and above all they strive to secure the object in view without resort to force or embroilment with friendly powers. Without such sentiments no success could be expected in any negotiations, and these principles will guide the plenipotentiaries named by His Imperial Majesty to negotiate the questions in which the Russian American Company is interested. Our cabinet, by the right of discovery, first settlement, and development, claims sovereignty over the islands and western coast of America from the northernmost point to the 55th degree of northern latitude. Great Britain, on the other hand, advances the rights of the Hudson's Bay Company, whose trading posts and stations are being pushed farther and farther into the interior of the country, and have almost reached the Northwest Coast under the same parallel. The basis upon which these conflicting claims are founded is almost identical, and it can not be denied that through injudicious action on either side the most serious and unfortunate consequences might at any time arise. Prudence demands a speedy agreement between both sides interested. The most practicable solution seemed this: To establish at a certain distance from the shore a boundary line which both our trappers and hunters and the employés of the Hudson's Bay Company must be forbidden to cross. The representatives of both powers recognized the necessity of such a boundary, but the width of the strip of coast necessary for the peaceable prosecution of the enterprises of our Colonies, the direction of the line, and its initial point on the mainland of America, are subjects still under discussion, since the envoy of His Britannic Majesty declares he must wait for further instructions from his court. It is hardly necessary for me to repeat that in all these negotiations with England we have recognized, and always will recognize, the paramount importance of the interests of the Russian American Company in this matter; on the other hand, we must consider the extent of rights in the interior and the most practicable means of securing and maintaining the same. As I observe above, it is necessary for the peaceable existence of our Colonies that their boundaries be defined with the greatest possible accuracy. The extent of territory between the coast and this boundary should be sufficient for the requirements of all our establishments now exisiting, as well as of such as may be founded in the future. At this point, most gracious Sir, you will permit me to remark that we have no right or power to extend our claims in the interior of the American continent to the Rocky Mountains. Such claims would only give rise to disputes and possible complications without any visible advantages resulting therefrom. On the other hand it is your Excellency's own opinion that those regions are nearly barren and without proper soil to produce breadstuffs for our Colonies, and since the principal and almost exclusive industry of our settlers consists in the capture, not of land, but of marine animals, there seems to exist no necessity for an extended territory to the eastward of the boundary now proposed. Consequently there can be no cause for a dispute on the subject of fixing the boundary of this strip of coast. We must also consider that as long as we avoid such disputes, the neighborhood of an enlightened people can not be injurious, but must be of advantage to the Colonies, affording facilities for the purchase of supplies in case of need. There is no reason to apprehend that the mere fact of having such a neighbor would compel us to abandon any of the islands and coast heretofore occupied by us

south of the sixtieth degree of latitude. Such were the conclusions arrived at by His Imperial Majesty on reading your Excellency's communication.

One point referred to in your letter especially attracted His Majesty's attention, namely, where you, dear Sir, asserted that in consequence of England's demands Russia would be obliged to yield or give up many natives of America who had been converted to christianity by us. To lose subjects who had voluntarily come under his sceptre, and sons of the Russian Church, would certainly be repugnant to our great-hearted Monarch, but from all the information which I have been able to collect it would appear that on the coast below the fifty-fifth degree of latitude, or at any great distance from the sea-coast in the interior, there exists no settlements of the Company or native inhabitants converted to the Greco-Russian faith, and as to any extention of our settlements to the northward I venture to consider it somewhat improbable.

Having acquainted you (as far as I may while respecting the secrecy of diplomatic negotiations) with the present status of our arrangements with England, I turn to another subject of interest to your excellency and all the members of the Company's board of managers, the negotiations with the North American Republic, which have been brought to a successful conclusion.

The convention which was entered into on the 5th of April, 1824, and of which I inclose an abstract for your information, consists of an agreement arrived at by mutual consent, and the clauses of which, in my opinion, will be mutually satisfactory and highly beneficial. In article III the United States acknowledge the sovereignty of Russia over the west coast of America from the Polar Sea to latitude 54° 40′ north, while we, on our side, promise to establish no settlements below that latitude, with the exception of such as have been already made, especially the Ross colony in California. By article II the States undertake to forbid their citizens and subjects from landing in any part of the Russian Colonies without special permission of the local authorities. In article I[1] it is agreed that the Americans will not sell to the savage inhabitants of the territory belonging to Russia any strong liquors, the cause of all evil among unenlightened peoples, and, what is still more important, they agree to abstain from selling them any firearms. Hereby we have been fortunate enough to abolish, by means of diplomacy, at one stroke the principal cause of all disorders and bloodshed in that distant country, and we have thus laid the foundation for the peaceable existence of our Colonies. In article IV we permit the American States to carry on for a period not exceeding ten years trading and fishing in localities situate within our possessions. To this clause, advantageous to them, our cabinet found itself obliged to consent for two very important reasons. First, because the Government of the North American Republic, not unreasonably, demanded an equivalent for the great advantages conceded to us in other articles of the convention, especially those of article V. Second, because the Americans had been for some time engaged in this trade and fishery, which the Company has thus far been unable to prevent them from doing; and because, on the other hand, it was much better that they should accept as a special and temporary privilege from our hands what they might come to look upon as a natural right in course of time; since now the Americans acknowledge officially that at the ex-

[1] *Sic.* It was doubtless intended to refer to article V.

piration of a few short years we have the legal power to entirely prohibit trading and fishing in that region.

The Emperor has deigned to approve the articles of the convention by which the demands and interests of both contracting parties have been considered as much as possible. A close scrutiny of this convention must lead to the conclusion that under its provisions our Colonies will acquire new strength. This act may be looked upon as the beginning of the political existence and safety of the Colonies, since their relation to foreign powers has been for the first time acknowledged and made patent to the world. The importance of this is evident, and the members of your board will doubtless realize to its fullest extent this new great benefit bestowed upon them by their Highest Protector, who, never losing sight of the true interests of his beloved subjects, has thus by a stroke of his pen fixed their honorable status not only within his own dominions, but also in the eyes of all foreign powers, and started you in the race of prosperity with all other nations of the civilized world.

I have the honor to be, with the greatest respect and with the best intentions,

Your humble servant,

Count NESSELRODE.

No. 13.

Letter from the Minister of Finance to the Board of Administration of the Russian American Company. Written from St. Petersburg, September 4, 1824.

The letter transmitted to me on the 12th of June by the directors of the Company, containing their remarks on the possible consequences of the convention concluded on the 5th of April, of this year, between our Court and the North American Republic, I have submitted to the Minister of Foreign Affairs in the original. I have now received from him in reply a copy of the proceedings of a special committee appointed to consider the subject. The proceedings of this committee have received the most gracious approval of His Imperial Majesty, and I am now authorized to lay before the board of administration a copy of these proceedings, together with an accompanying letter from Count Nesselrode, dated July 21 of this year; all of which I trust will prove satisfactory to the board of managers and shareholders of the Company.

From these documents the board of administration will ascertain that the Company's representations have met with due consideration, and that instructions have already been forwarded to the Imperial Ambassador at Washington to the effect that the extent of coast thrown open to subjects of the North American States for the purpose of trade and fishery is limited in the south by latitude 54° 40′ North, and in the north by the Bay of Yakutat (or Bering Bay). At the same time I am authorized to state that it is the intention of His Majesty the Emperor to afford full protection to the Company's interests in the pursuit and catch of fur-seals, sea-otter, and all other marine animals.

Lieutenant-General KANKRIN,
Minister of Finance.

Y. DRUSHININ,
Director

No. 14.

Abstract of communication from Count Nesselrode, Minister of Foreign Affairs, to the Minister of Finance. Written from St. Petersburg August 18, 1824.

I consider it my duty to inform your Excellency that His Imperial Majesty has most graciously deigned to agree fully and completely with the opinion of the majority of the members of the committee appointed by His Majesty to consider the interests of the Russian American Company in connection with the convention of April 5/17 of this year, in which opinion your Excellency has also been pleased to concur.

Consequently I hereby forward a copy of the proceedings of the committee, and I have the honor to inform you, most gracious sir, that instructions have already been forwarded to our ambassador in conformity with the conclusions reached by the members of the committee.

I must not omit to add also a copy of my humble opinion on the complaints of the Russian American Company presented to His Majesty at your Excellency's request.

I flatter myself with the thought that these documents will convince you, most gracious sir, as well as the board of administration of the Russian American Company, that it is His Majesty's firm determination to protect the company's interests in the catch and preservation of all marine animals, and to secure to it all the advantages to which it is entitled under the charter and privileges.

[Inclosure.[

Proceedings of the conference held July 21, 1824.

Count Nesselrode opened the conference by a detailed explanation of the present status of the business most graciously submitted to the consideration of the committee by His Majesty the Emperor. He referred to the paragraphs or articles of the agreement concluded with the Minister of the United States concerning the Northwest coast of America, and also to the representations made and protests presented against this act by the Russian American Company in two communications submitted to the Minister of Finance and to the Minister of Foreign Affairs. Finally he submitted a project which had been presented for discussion in the name of his Excellency Lieut. Gen. Kankrin, inclosing also the reply from the Minister of Foreign Affairs to the above-mentioned representations. This project, having been submitted to His Majesty the Emperor, has met with highest approval. At His Majesty's wish the matter was now laid before the members of the committee for their consideration.

During the reading of these papers, to which was added a copy of the two letters of the Russian American Company, the members directed their greatest attention to the causes, reasons, and risks, as explained by the Company, as well as the reasoning which had led to the conclusion of the convention, together with the statement of the plenipotentiary of the Washington cabinet. Due attention was also paid to the means pointed out by the Imperial ministers as most practicable and available to prevent evil consequences and unjust dispute. By a majority of votes the members of the committee agreed upon the following:

1. That the agreement of April 5/17 establishes for Russia rights

which heretofore had been in doubt; that on the strength of this agreement these rights had been acknowledged by the Government which would have been most benefited by contesting them, and which could most easily have injured us; that by means of this agreement the undisputed sovereignty of Russia has been established even beyond the point mentioned in the original privileges and charter granted to the Russian American Company.

2. That through the absolute prohibition of trade in arms, ammunition and strong liquors with the inhabitants of the Northwest Coast, established by this agreement, the Russian American Company has secured an amount of protection for which it has repeatedly clamored, but which it has not heretofore attained.

3. That this last consideration is all the more important because such prohibition, affecting only Russia, prevents disturbances and open hostilities among the native tribes inhabiting our possessions, while at the same time it makes profitable trade on the part of foreigners within our domain impossible.

4. That the agreement of April 5/17 contains also another not less important point, namely, the agreement on the part of the Americans to establish no settlement on the Northwest Coast above latitude 54° 40′. By this concession alone our own territorial claim is placed upon a permanent basis.[1]

5. That one of the most important points of the agreement, and one of very great advantage to Russia, lies in the assurance that at the expiration of ten years the subjects of the United American States will cease altogether to navigate the waters of the Northwestern coast above latitude 54° 40′ and to carry on their fishery and trade with the native inhabitants. If, on the one hand, it could not be supposed that the States would willingly agree to such a concession without any corresponding advantage, on the other hand, all that the Imperial Ministry had desired or demanded will be accorded and fulfilled at the end of a few years as specified.

6. Concerning the influence which the agreement concluded on the 5th of April may have upon Russia's trade with China, it is necessary to consider that in this trade there is invested on both sides a capital of 50,000,000 rubles, of which only 800,000 rubles fall to the Russian American Company's share, and even if the Company could bring to Kiakhta a much greater number of furs, otters, and fur seal, it would be found impossible to dispose of them, and they would fill the market to the injury of other goods. At any rate, viewing the limited scope of its trade, it can not be considered that the agreement of April 5/17 can in any way injure the trade of Russia with China.

7. That since the sovereignty of Russia over the shores of Siberia and America, as well as over the Aleutian Islands and the intervening seas, has long since been acknowledged by all powers, these coasts, islands, and seas just named could not have been referred to in the articles of the above-mentioned convention, which latter concerns only the disputed territory on the Northwest Coast of America and the adjoining islands, and that in the full assurance of such undisputed right Russia has long since established permanent settlements on the coast of Siberia as well as on the chain of the Aleutian islands; consequently American subjects could not, on the strength of article 2 of the convention of April 5/17, have made landings on the coast or carried

[1] The southernmost settlement now occupied is situated in latitude 57°; consequently this agreement will enable them to locate new stations further to the south.

on hunting and fishing without the permission of our commanders or governors. These coasts of Siberia and of the Aleutian Islands are not washed by the Southern or Pacific Ocean, of which mention is made in article 1 of the convention, but by the Arctic Ocean and the seas of Kamchatka and Okhotsk, which, on all authentic charts and in all geographies, from no part of the Southern or Pacific Ocean.

8. In conclusion, we must not lose sight of the fact that the convention of April 5/17 settles all disputes to which the edict of September 4/16, 1821, gave rise; an edict issued at the formal and repeated request of the Russian American Company. These disputes have become of considerable importance, and might be renewed again if Russia should fail to uphold the convention, and in that case it would be impossible to foresee the end or the consequences. These weighty reasons induce a majority of the members of the committee to record their opinion: "That the convention of April 5/17 must be sustained, and that, in order to avoid an unnecessary and unjustifiable altercation over this act, General Baron de Tuyll should, at the proper time, offer a declaration pursuant to the project suggested in the communication of Count Nesselrode." The Minister of Finance, and Actual State Councilor Drushinin agreed as to the necessity of sustaining the convention of April 5/17, but they presented and spread upon the minutes a special opinion, here appended, to the effect that Baron de Tuyll should, on the exchange of ratifications, demand that the privilege of free trade and fishery, granted by article 4 of the said convention, should extend only from latitude 54° 40′ to the latitude of Cross Sound.

A majority of the members of the committee remarked that since within the designated latitudes the Russian American Company possessed many settlements, the second article of the convention of April 5/17 would afford them the desired protection, and if nothing could be done in those regions but hunting and fishing, it would be exceedingly doubtful whether American citizens would incur the risk and expense of navigation for the purpose of carrying on trade which gave such small promise of reward for outlays in those high northern latitudes, in which they could enjoy their privileges for ten years only, and where, at any rate, they would in hunting and fishing meet with the active competition of the Company, which had preceded them in those waters by so many years.

On the other hand, it would appear that the limitation contained in the opinion of his Excellency the Minister of Finance and of the Actual Councilor of State Drushinin would put an end to the complaints of the American Company, and consequently the majority of the committee found it necessary to examine further into the character of the limitations, in order to ascertain to what extent they may be adopted without infringing upon the rights and advantages resulting to Russia from the convention of April 5/17.

Since the proposed limitation designates two different points, situated under different degrees of latitude, namely (1) the Bay of Yakutat (Bering Bay), on the parallel of 59° 30′; (2) the Bay or Strait of Krestnoi (Cross Sound), on the parallel of 57°, the Russian American Company desires that the subjects of the United States be prevented from fishing or hunting at those two points; but the majority of the members of the committee are of the opinion:

As to the first of these points (Bering Bay), it is situated under a latitude where Russia's rights have never been a subject of dispute, and this important circumstance leads us to the conclusion that it is rightly

covered by the general declaration concerning the Aleutian Islands and other northern localities. With regard to the second, however (Cross Sound), which is situated under latitude 57°, and consequently forms part of the coast and islands to which Russia's right has been disputed, it would be impracticable to apply to it the same rule, unless some other valid reasons are produced upon which to base such a demand.

In order to neglect no means by which the Government of His Imperial Majesty may give proof of its fatherly care of the interests of the Russian American Company, General de Tuyll should be instructed to use every means at his command to persuade the Washington cabinet that in favoring the limitation about to be proposed relating to Cross Sound there is no intention or desire to give any provocation for further dispute between the two powers.

And General de Tuyll should be given to understand that the recognition of the undisputed primary right of Russia in those regions is of supreme importance, not in any way to be compared with the later and comparatively trivial concessions of the convention with the Government of the United States, concluded April 5/17, and that it must, under all circumstances, be sustained.

This opinion was finally unanimously agreed upon by all the members of the committee.

St. Petersburg, July 21, 1824.

NESSELRODE.
G. L. KANKRIN.
SPERANSKY.
DRUSHININ.
POLETICA.

No. 15.

From the Board of Administration of the Russian American Company to Captain of the first rank and Knight Ivan Antonovitch Kuprianof. Written from St. Petersburg, March 31, 1840.

From your dispatch No. 114, of April 20, we learn that you have requested the Creole Shayashnikof to express his opinion as to when you may begin taking a full catch of fur-seals on the island of St. Paul, and when you may establish a close season on St. George and the Commander Islands. The board of administration respectfully requests that you will in every respect act in accordance with the opinions of Shayashnikof, who possesses a thorough knowledge of this industry. At the same time you will bear in mind that we look upon the fur-seal catch as the most important item of our colonial enterprises, which must be preserved at all hazards, even to the temporary neglect of other resources. Everything must be done to prevent a decrease or extermination of these valuable animals.

N. PROKOFYEF,
N. KUSOF,
A. SEVERIN,
Directors.

No. 16.

Letter from the Board of Administration of the Russian American Company to Captain of the Imperial Navy of the second rank Alexander Ilitch Rudakof, Acting Chief Manager. Written from St. Petersburg, March 20, 1853.

From the dispatches of the board of administration dated April 12 and November 16, 1851, and April 2, May 13, and September 23, 1852, your Excellency must have perceived that one of the principal objects on the part of the board of administration has been to make the best possible arrangements for regulating the navigation of the vessels belonging to our colonial fleet. During the last few years this part of our manifold duties has not always been attended to with due regard to the best interests of the Company, and consequently a few of the vessels have been detained in harbors for prolonged periods, while others have been constantly employed and intrusted with duties for which they were but ill-fitted, returning to New Archangel late in the season and at the most dangerous time of the year.

With a view to remedy this defect, the board of administration has now agreed upon a system of employment for our various vessels which is to be strictly followed in dispatching our colonial vessels upon their annual or semiannual voyages in the summer and winter season under normal circumstances. This system will be strictly adhered to by the chief managers of the Colonies, unless unforeseen circumstances arise which would make this observance inconsistent with the Company's interests.

For the season of 1853 the colonial fleet will consist of eight sailing vessels, of which number the larger ones are: The *Czarevitch*, the *Nikolai I*, the *Kadiak*, and the *Shelikof;* and the smaller ones: *Menshikof*, *Konstantin*, *Okhotsk*, and *Tunguss;* and since the *Czarevitch*, which is to leave the Colonies in the autumn of 1853 will be relieved by the *Sitka*, of 700 tons, now in course of construction, and which is to sail for New Archangel in 1853, the number of the Company's ships in colonial waters will remain the same. Consequently the summer season, comprising the months from April to October, will give employment to 8 ships, while in the winter season, from October to April, we can keep 7 vessels running, without counting the whale ships of our Company, the number of which will probably reach four.

For the summer season of 1854, the voyages of our vessels should be arranged in the following manner:

1. One of the smaller vessels, perhaps the brig *Konstantin*, should sail from Sitka about the middle of April with supplies for the islands of Atka and Attu, and for the Kurile district, taking the furs from these islands to the port of Ayan, where the brig should arrive not later than the middle of July. On this vessel there should be an official of the Company intrusted with the inspection of the Company's stations in the districts of Atka, the Kurile Islands, and Kamchatka. This agent must observe and keep a record of all foreign ships seen during the voyage, and of the position of the same when observed, for the information of commanders of our armed cruisers and of the colonial authorities in Sitka, Kamchatka, and Ayan.[1] This vessel should set

[1] By observing these rules the furs from the Atka and Kurile districts will always reach Ayan in time for transportation to Yakutsk, and will not have to be carried to New Archangel, as has been done in late years, for shipment to the port of Ayan in the following year. Under the old system the furs needlessly incur twice the risk of carriage by sea.

out upon the return voyage at the end of August or the beginning of September, following its previous course, and returning to New Archangel with the agent, who is to repeat the observations prescribed for the outward voyage.

2. One of the larger vessels should leave the port of New Archangel for Ayan not later than the 15th of May, to arrive at the latter port at the end of June. This ship, which must be armed, will carry passengers, stores, and supplies for our Asiatic stations. On the outward voyage the course of this vessel should be laid to the northward of the chain of the Aleutian Islands, in order to meet foreign ships entering Bering Sea, and to warn them against cruising in pursuit of whales in the vicinity of the seal islands of the Pribilof and Commander groups. At the beginning of August the ship should return to New Archangel, with cargo and passengers from Siberia, cruising in search of foreign vessels on the way. During the detention of this vessel in the port of Ayan, its commander will place himself under the orders of the local colonial authorities in all cases of emergency, or of infringement of the Company's rights and privileges, for which purpose the local commanders are furnished with special instructions.

3. A second small vessel, the swiftest of the fleet, probably the *Menshikof*, with a naval crew and commanded by a naval officer, must sail from Sitka at the end of April for the sole purpose of watching the foreign whale ships in the southern part of Bering Sea and along the chain of the Aleutian Islands. On this vessel supplies may be forwarded to Copper and Bering islands, and, perhaps, to Attu and Atka, in case this should not have been accomplished by the first vessel, referred to under No. 1 of this dispatch. On this vessel also should be placed one of the higher officials of the Company, with the powers of an inspector and general agent. This vessel must be kept cruising constantly over the waters mentioned above, and must not enter any of the harbors except for the purpose of obtaining water and wood, on which occasions the stay of the vessel must be limited to the briefest possible period. Each of the above-mentioned islands must be visited by this cruiser at least twice during the season. The first time for the purpose of landing supplies, mails, and the inspector; the second time to receive the furs obtained, reports, mail, and the inspector. The commander of this cruiser is strictly prohibited from remaining at anchor during the progress of inspection, as it would be better to call at the islands several times than to remain idle in port. The conclusion of this cruising voyage depends upon the time at which the foreign whale ships leave Bering Sea, which is probably at the end of August or the beginning of September.

4. The third and fourth of the smaller vessels, *i. e.*, the *Okhotsk* and *Tunguss*, are assigned to carry supplies to the redoubts and islands of the Kadiak district and to Unga Island, and to bring back furs. In order to still further insure the Kadiak district against scarcity of supplies, one of the larger vessels sailing in the spring may also take a partial cargo for Pavlof Harbor.

5. The second large vessel must be employed to supply the islands of the Unalaska district, the Pribilof Islands, and St. Michael's redoubt, and also to carry on intercourse with the coast tribes of Bering Sea, on the Asiatic as well as on the American coasts. Being first loaded with the supplies for St. Michael's and the goods intended for traffic with savage tribes, this ship may take on subsequently an upper cargo of lumber and firewood for the Pribilof Islands and the Unalaska district, at which points mail and the most necessary supplies may be landed on the outward voyage and furs picked up on the

teturn trip. During the whole time of the presence of this ship in the northern part of Bering Sea and the vicinity of the Pribilof Islands the commander must be charged with the duty of cruising in search of foreign whale ships and of English vessels carrying on trade with our savages. This ship, also, must make no prolonged stay at any anchorage, and must be placed under the command of a naval officer, with a crew consisting principally of sailors of the navy.[1]

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7. The fourth large vessel of the fleet, which may be used for voyages to Kamchatka, must also be fitted out as an armed cruiser and kept in readiness to proceed to any point in Bering Sea or in Siberian waters, from which the presence of foreign ships may be reported by the smaller vessels in the course of the season.[1]

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In transmitting to your Excellency the above outlined plan for the employment of the colonial fleet, the board of administration respectfully requests that in case the interests of the Company require a deviation from our plans your Excellency will never lose sight of the fact that the interests of the Company are centered at the present time in the district surrounding the seal islands of the Pribilof and Commander groups, and that consequently the colonial waters must be visited by the Company's cruisers constantly and in every part, in order to watch and warn the foreign whalers. For this purpose detailed instructions have been formulated for our cruisers, as well as for the commanders of the whale ships of the Company, which are obliged to serve in the capacity of cruisers when engaged in whaling in Bering Sea. In all cases, the command of a vessel under orders to cruise in colonial waters must be given to naval officers, who will thereby find an opportunity to make themselves acquainted with the routine of colonial transactions, while at the same time their rank will give authority to our proceedings.

V. POLITKOVSKY,
Presiding Officer.
V. KLUPFEL,
A. ETHOLIN,
N. KUSOF,
BARON WRANGEL,
Members of the Board.

No. 17.

Letter from Captain of the first rank, and Knight Ivan Vassilievitch Furuhelm, Chief Manager of the Russian American Colonies, to Master Benzeman, of the Imperial Navy. Written from the Colonies, June 20, 1861.

To Master Benzeman, of the Imperial Navy, commanding the steamer Alexander the Second:

When your steamer is ready for sea, you will leave this port and carry out the following instructions:

1. You will proceed to the "Kenai Coal Mining Enterprise;" on arrival there deliver the accompanying package to the commander, Mining-Engineer Furuhelm, and immediately begin to take on as much coal as you can in addition to the cargo on board.

[1] The sixth and a portion of the seventh paragraphs, being immaterial, have not been translated. See fac-simile of original letter, end of this volume.

2. From English Bay, you will proceed to the island of St. Paul, where you will deliver your passengers, land the supplies, and take on local products for St. Michael's redoubt. You will then proceed to the redoubt to land supplies and take on whatever cargo Manager Vakhrameief may have on hand.

3. On leaving St. Michael's redoubt you will shape your course for the island of St. Paul, where you must take on without fail a full cargo of fur-seal skins and local products such as oil and seal meat, and proceeding to the island of St. George, take on in addition such products and furs as may have accumlated previous to your arrival there. Thence you will proceed to Unalaska, and furnish Manager Vlassof with such quantities of oil and seal meat as he may be in need of. You will then take on the furs on hand at Unalaska, and proceed to New Archangel.

4. During your visits to the above-mentioned points, you will receive all complaints submitted to you and, without making any decision whatever, submit them to me on your arrival at New Archangel.

5. At St. Michael's redoubt Manager Vakhrameief will present to you two servants of the Company, Koshevnikof and Makurin, for punishment for disobeying the orders of the authorities and for engaging in secret unlawful traffic with natives; and I would suggest to you to punish them with rods, giving them twenty-five strokes each in the presence of the whole garrison of the redoubt.

6. Among the passengers on your steamer will be the bishop of New Archangel, Peter, who goes to inspect the northern missions. You will show his Eminence due attention and respect, and carry out his wishes as far as practicable.

7. During your stay at St. Michael's redoubt you will cause to be collected a quantity of drift-wood and deliver the same on the island of St. Paul.

8. If the managers of the islands should present to you any employés who have served out their terms for transportion from the Colonies, you will take them on board. From the island of St. Paul the carpenter, Parfentyef, will require a passage to Sitka.

9. It has come to my knowledge that in the present year two whaling vessels have sailed from San Francisco for the purpose of trading on the Pribilof Islands or of hunting in their vicinity. Consequently I would suggest that during your presence in those waters you will exercise the duties of an armed cruiser, to prevent any unlawful acts on the part, not only of these two vessels, but of any others which you may find in Bering Sea.

I trust that all the various duties intrusted to you will be carried out to my satisfaction, and that you will return without unnecessary loss of time.

The crew and passenger lists of the steamer are hereby appended.

The issue of rum to your crew will be made under existing regulations.

No. 18.

Letter from the Department of Commerce and Manufactures to the Board of Administration of the Russian American Company. Written from St. Petersburg, June 19, 1865.

The council of state, after an examination of the proposal submitted by me concerning the revision of the charter of the Russian American

Company and the organization of the Russian American Colonies, directs, by a resolution approved by the Emperor on June 14, that in the preparation of a new charter for the Russian American Company and of the regulations for the government of the Colonies, the following principles shall be adopted:

1. The term of the privileges, rights, and obligations of the company expires the 1st day of January, 1882.

2. The Company is authorized to issue, as heretofore, tickets for use in the Colonies in the place of coin, which tickets shall have a fixed value in commercial transactions within the Colonies. But, at the same time, it shall be the duty of the Company to establish at several points in the Colonies offices for the redemption of such tickets in coin or paper currency. At the same time, both the terms of redemption and the points at which redemption shall take place must be determined by the new charter of the Company.

3. It shall be, as heretofore, the duty of the Company to maintain in the Colonies churches and the clergy, schools and hospitals; to furnish supplies to all its employés, servants, and laborers; to organize at places remote from ports open to foreign commerce warehouses of provisions and other necessary articles of consumption for the use of the natives; to bear the expense of provisioning the garrison at New Archangel; and to authorize the chiefs of stations, managers, and other officials in the service of the Company, to exercise all local administrative functions.

4. In the preparation of the new charter, the question should be considered as to which of the rights granted by the last charter to the Company's employés should be preserved, and whether some distinction should be made between persons in the Company's service at St. Petersburg and those in the Colonies. At the same time, the Board of administration should be relieved from the political function now forming part of the scope of its operations.

5. The Company stands under the special protection of the Emperor, and short yearly reports of its operations are to be submitted through the proper ministry for the consideration of His Majesty.

6. The following rights of the Company are to be preserved:

The right of flying the flag specially designated by His Majesty for the Company vessels, of using uniforms for their employés on the vessels; and a seal with the imperial escutcheon; all the privileges now enjoyed by the Company in regard to the recruiting of men in Russia and Siberia; in regard to the terms of their passports and the payment of taxes for them; in the preparation of the new charter, the terms should be fixed beyond which the hired men shall not be liable to detention in the Colonies for debts due the Company; also the period of time within which the men in the service of the Company may be returned to the places of their birth at the request of courts of justice and Government officials. The exemption of the Company from the duty of furnishing quarters to the military should be abolished, as also the exemption from the duty of procuring every year a trade certificate of the first guild, and proper licenses for the factories, warehouses, and stores of the Company in Russia and Siberia, except for those situated at the port of Ayan.

7. The charter shall contain the conditions for the transfer to the Government, after the cessation of the Company's existence, of all public buildings and works erected by the Company, designating those which shall be transferred without compensation, and those for which

it is entitled to compensation, and specifying the method of fixing the compensation.

8. Permission is given to bring into the ports of New Archangel, on the island of Sitka, of St. Paul, on the island of Kadiak, and into such others as may be subsequently found convenient for the purpose, all kinds of merchandise (except intoxicating beverages, powder, and arms) on board both Russian and foreign vessels.

9. Special regulations shall be prescribed concerning the importation of intoxicating liquors and the sale thereof in the Colonies, as well as the furnishing of arms and powder, such regulations to be of such a character as not to impose onerous restrictions upon the inhabitants, and at the same time to guard against abuses and injurious consequences.

10. The Aleuts and other peaceful natives within the Colonies are relieved from compulsory labor in behalf of the Russian American Company. They shall be allowed to settle in localities which they may find convenient, and shall be free to absent themselves from the places of their residence, subject only to such rules of police as may be established by the board of administration of the Colonies.

11. All the inhabitants of the Colonies permanently residing therein shall be classified either as natives or as colonial residents, to which latter class shall belong the creoles, the now so-called colonial citizens, and the immigrants who may in future arrive in the Colonies. The natives shall have the right of electing their chiefs and the colonial citizens shall be governed by elective elders. Both the chiefs and elders shall be confirmed by the chief manager of the Colonies and be liable to removal by him, in which latter case it shall be his duty to order a new election.

12. The period of obligatory service to the Russian American Company by creoles educated at the expense of the Company, either in the Colonies or outside, is limited to five years.

13. It shall be lawful for Russian subjects, as well as for foreigners who have become Russian subjects, to settle at all points of the colonial territory not actually occupied by establishments of the Company or present colonial inhabitants, and to occupy for their dwellings, outbuildings, and tilling all necessary areas of unoccupied lands.

14. Until further orders from the Government, the inhabitants of the Colonies shall not be subject to any direct taxes, either in behalf of the Crown or of the Russian American Company.

15. Every description of trade, except the fur trade, shall be free to all the residents of the Colonies and to all Russian subjects without distinction or limitation.

As regards the fur trade: (a) Reserve to the Russian American Company until January 1, 1882, the exclusive right of engaging in the fur trade within the following limits only: On the peninsula of Alaska, taking for its northern boundary the line from Cape Douglas, in the Bay of Kenai, to the upper shore of Iliamna Lake; upon all the islands situated along the coast of that peninsula, namely, the Aleutian Islands, the Commander Islands, the Kurile Islands, as well as upon the islands situated in Bering Sea, and along the whole western shore[1] of Bering Sea. As regards the region stretching northeast of the Alaska peninsula, along the whole of the coast up to the boundary line contiguous with the possessions of Great Britain, and on the islands situated along

[1] It is clear from the context that it is intended to refer to the eastern shore of Bering Sea.

that coast, including Sitka and the whole of the Koloshian archipelago, and likewise on the continent of the northern part of America, the privilege of the company to exclusively engage in fur trade shall be abolished. (b) All colonial residents and settlers who are Russian subjects shall be allowed to engage in the fur trade, under special regulations to be prescribed upon the subject in all the places within the Russian possessions wherein the exclusive right of the Russian American Company is abolished as stated above. All other Russian subjects not permanent residents of the Colonies shall be free to trade with the natives for furs, but not to engage in hunting fur-bearing animals.

16. The general administration of the Colonies and supervision over the management of the Company's affairs shall be entrusted to a chief manager, appointed by the Emperor, and independent of the Company, who shall be subject to the immediate orders of the Government and assisted by colonial council composed of members appointed by the Government and members appointed by the Russian American Company, in such number as may be necessary for the conduct of the business and performance of special missions. The expense of maintaining the chief manager and the council assisting him shall be borne by the Imperial Treasury, under the estimates of the Minister of Marine. The duties and rights of the manager and council shall be determined by special instructions or ordinances.

17. The supervision of the Russian American Colonies and the Russian American Company shall form a part of the duties of the Minister of Marine.

In pursuance of the above-cited opinion of the State council, approved by the Emperor June 14, I communicate to the board of administration of the Russian American Company the principles as specified above, for the preparation of the Company's charter and colonial regulations, and hereby invite the board to submit a project to be presented for the final consideration of the State council, and to convoke a general meeting of the stockholders of the Russian American Company, agreeably to the provisions of sections 2182 and 2184, part 1, volume 10, Code of Civil Laws, edition of 1857, which meeting shall be attended by the greatest possible number of stockholders for the consideration of this subject.

The original was signed by the Minister of Finance and by the Secretary of State, Reitern, and in the absence of the director by the acting director of the office of the Ministry of Finance, Kodsko.

A true copy:

A. Timkovski,
Chief Clerk.

No. 19.

Concerning the granting of a fourth charter to the Russian American Company.

His Imperial Majesty has deigned to confirm the opinion of the general session of the Council of State concerning the revision of the charter of the Russian American Company and the organization of the Russian American Colonies, and to order the same to be carried into effect.

Konstantin,
President of the Council of State.

April 2, 1866.

OPINION OF THE COUNCIL OF STATE.[1]

The Council of State in the Department of the Imperial Domain in its general session having considered the report of the Minister of Finance concerning the revision of the charter of the Russian American Company and the organization of the Russian American Colonies, rendered the following opinion: In modification and explanation of the respective provisions contained in the opinion of the Council of State, approved by the Emperor on June 14, 1865, concerning the principal features of the new charter of the Russian American Company and of colonial regulations, it is ordained:

1. (As to Article 1.) The duration of the privileges to be granted for twenty years to the Russian American Company shall be reckoned from the date of the approval of the charter, and not from January 1, 1862.

2. (As to Article 15, letter a.) The exclusive right of the Company to engage in the fur trade throughout the entire colonial territory shall be continued; provided that the manner of carrying on such trade shall be determined by regulations, to be prescribed upon consultation with the Ministry of Imperial Domains.

3. (As to article 2.) The Company shall be allowed, as a temporary measure, for four years to issue tickets for use in the Colonies instead of coin, on condition that the total amount of such tickets shall be determined by the new charter of the Company, and that the tickets shall not have a compulsory circulation, but be received by voluntary agreement of the purchasers, and that the Company shall be bound to keep for the redemption of the tickets a sufficient fund in lawful money; the details and conditions of this matter shall be determined by the new regulations and charter of the Company.

4. (As to Articles 8 and 9.) The provisions to be included in the new charter of the Company concerning the opening to free trade of the ports of New Archangel and Sitka, and of St. Paul, on Kadiak Island, and the introduction into the Colonies generally of such trade and of industries, also the provisions concerning the importation and sale of spirituous liquors, and the supplying of arms and powder, shall be in accordance with the propositions now submitted by the Company; provided, that the commercial monopoly heretofore enjoyed by the Company shall under no pretext be continued.

5. The Company shall be allowed to increase its original capital by the issue of stock subject to gradual redemption in twenty years, which redemption shall be effected by the Company from its own resources, without any guarantee on the part of the Government.

6. In regard to an annual subsidy from the Government to the Company, the Minister of Finance is instructed to submit a report, after due consultation with the Company, and in proper time and usual course of procedure.

7. Further necessary steps for the preparation of a new charter of the Company and of the colonial regulations shall be taken by the Minister of Marine in the manner indicated in the opinion of the Council of State, approved by His Majesty June 14, 1865.

All previously confirmed principles of the decision of June 14, 1865, remain in force.

[1] Copied from the journals of the Imperial Councils of Public Domain, January 15 and March 2, and of the Plenary Council of March 14, 1866.

The original is signed in the journals by the presidents and members. Certified by—

YERMAKOFF,
Vice-Director.
K. RADETSKI,
Chief of Division.

True copy:
A. TIMKOVSKY.

No. 20.

Proclamation.

It is hereby proclaimed to all whom it may concern, that if any person or persons, after reading these presents, does not immediately abandon Russian territory or waters, or continue forbidden trade or traffic, they shall be seized forthwith upon the arrival of the first Russian vessel upon the scene of their illegal transactions and taken for trial to New Archangel, and all goods, as well as the vessel found in possession of such persons, shall be confiscated.

Given at the port of New Archangel, on the Northwest Coast of America, this $\frac{8th}{20th}$ day of September, 1864.

PART II.—ILLUSTRATING RUSSIAN MANAGEMENT OF THE SEAL ISLANDS.

No. 21.

Letter from the Board of Administration of the Russian American Company to Alexander Andreievitch Baranof, Chief Manager of the Russian American Colonies. Written from St. Petersburg, April 6, 1817.

The board of administration of the Company incloses herewith for your information a copy of a report from the Kiakhta office, relating to the favorable reception by the Chinese at Kiakhta of fur-seal skins, and desires you to use your best endeavors to send to Okhotsk for the Kiakhta market such kinds of furs as are preferred by the Chinese, and not to send any young sea lion skins.

[Inclosure.]

Report of the Kiakhta office to the Board of Administration of the Russian American Company.

No. 137.] FEBRUARY 8th, 1817.

This office had the honor to receive on the first instant the order of the board of administration, dated December 14, 1816, No. 715, in which directions are given in disposing of the fur-seal skins received by the ship *Suvorof* to observe what kinds of skins are preferred. In reference to this the office has the honor to report that the fur-seal skins from both the ships *Konstantin* and *Suvorof* were sold together, but it was noticed, from the manner in which the skins were received by the

Chinese, that the 450 bachelor and young bull skins from the ship *Suvorof* were not accepted as California skins, which are considered by the Chinese to be worth one and a half times as much as the grays. The bulls and young bulls received by the *Konstantin* are valued still higher than the bachelors, although the hair on them is coarse and can not be utilized; the skins, however, are large, of good texture, and of whitish-yellow color, the hair being plucked out so as to leave only the fur on the skin. The fur thus obtained is dyed and is then ready for use. The grays from the ship *Suvorof* have cleaned skin, but short hair, and are rather thin. They were valued lower than those from the *Konstantin*, which, although of a paler color and with reddish spots, are larger in size and have a thicker and longer fur. Our friends (the Chinese) are very particular as to quality, and not less particular as to size; they sort and measure by inches, and they therefore valued the skins brought by the *Konstantin* higher than the bachelors and grays from the *Suvorof*. The young sea lion skins received by this office have been exhibited, but inasmuch as they have no fur and short hair, though they make a very good hide, our friends refused to take them at any price, but asked that they be given a couple of skins to take to Kalgan, where they might ascertain by experiment whether they could be utilized for any purpose.

DEMETRI KUZNETZOF,
Manager.
VASSILI JOUKOF,
Bookkeeper.

No. 22.

Letter from the Board of Administration of the Russian American Company to Captain of the first rank and Knight Adolf Carlovitch Etholin, Chief Manager of the Russian American colonies. Written from St. Petersburg, March 8, 1843.

The regulations of the fur-seal industry mentioned in your dispatch No. 287, of May 9, 1843, are fully approved and confirmed by the board of administration, and the proposed close season on the Island of St. George and the Commander Islands is hereby ordered. For the purpose of preserving this most valuable resource, the board of administration respectfully requests you to make it your permanent rule to conduct the annual catch in such a manner that not only the rookeries will not be depleted, but that they will be allowed to increase, *i. e.*, that the annual increase should always exceed the annual catch.

In order not to disturb prices at present, an annual shipment of 10,000 fur-seal skins to Russia will suffice.

WRANGEL,
A. SEVERIN,
N. PROKOFYEF,
N. KUSOF,
Directors.

No. 23.

Letter from the Board of Administration of the Russian American Company to Captain of the Imperial Navy of the second rank Alexander Ilitch Rudakof. Written from St. Petersburg, April 22, 1853.

From dispatches received from your Excellency's predecessor we learn that the fur-seals in the Colonies are rapidly increasing, and as there is every appearance of a good market for the same, the board of administration instructs you herewith to make all necessay arrangements for carrying on the sealing industry on all the islands frequented by these animals to the full extent of their capacity, without depleting the rookeries. The rules for the protection of females, etc., will be strictly observed as heretofore.

Of the fur-seal catch you will forward annually 6,000 skins to Kiakhta by way of Ayan; 10.000 skins to Shanghai, and the remainder to St. Petersburg on the Company's ships.

At the present time, the board of administration orders the discontinuance of the present process of salting skins, as being unfavorable to the sale of fur-seal skins.

V. Politkovsky,
Presiding Officer.
V. Klupfel,
A. Etholin,
N. Kusof,
Baron Wrangell,
Members.

No. 24.

Letter from the Board of Administration of the Russian American Company to Captain of the First Rank and Knight Stepan Vassilievitch Voyevodsky, chief manager of the Russian American Colonies. Written from St. Petersburg, April 24, 1854.

In his dispatch, No. 318, dated May 30, 1853, Captain Rudakof, in reporting the increase of fur-seals on the Island of St. Paul, and his action relating to the fur-seal industry, requests a decision from the board of administration as to the number of seals to be killed in the future, and the grade of skins preferred.

The board of administration, therefore, respectfully requests your excellency to order the killing principally of bachelors, the older the better, since our customers are eager to secure large skins. Small seals should be killed only in numbers sufficient to supply the demand for oil and food for the natives. Since, however, at present, the demand for fur-seal skins has somewhat diminished, the catch may be limited to such a number as will not interfere with a regular increase, until a greater demand has again been created. To this end the board of managers is devoting all its energies.

V. Klupfel,
Presiding Officer.
A. Etholin,
N. Kusof,
Baron Wrangell,
Members.

No. 25.

Letter from the Board of Administration of the Russian American Company to Captain of the second rank Prince Maksutof, chief manager of the Russian American Colonies. Written from St. Petersburg, November 8, 1854.

At the present time the market for fur-seal skins is limited to the number of 43,000, namely: In New York, from 20,000 to 21,000; at St. Petersburg, from 15,000 to 16,000, and at Irkutsk, from 5,000 to 6,000 skins, which must all be of the best quality, *i. e.*, full-grown males, half grown males, large and medium bachelors.

The whole number sent to New York may be salted, but the buyers demand that all fat or blubber be removed very carefully previous to salting, for the better preservation and further preparation of the skins. The skins may be shipped to New York by San Francisco, preferably as supplementary freight on the clippers of the New York and California trade, as in this manner they can be forwarded quite cheaply. At St. Petersburg only dried skins are in demand. These should be shipped in our own vessels, but in the absence of such, they may also be shipped by San Francisco or Victoria, preferably on ships bound for London, where they will be consigned to Pelly & Co., or to Hamburg, consigned to Strong & Co., thence to be forwarded to their destination, since no ships bound for St. Petersburg or Kronstadt can be found at San Francisco, and to charter special vessels is very expensive.

At Irkutsk also, only dry skins are required; they may be forwarded by Ayan.

At the same time the board of administration asks you to make arrangements to enable you, with the proposed increase in the fur-seal catch to 50,000 skins per annum, to ship 43,000 as indicated above in due time to their several destinations, storing the remainder at New Archangel for use in case of special demands. In order that these stored skins may not spoil in the warehouses you will make it a rule to ship the reserve of each year to Russia in the following year, replacing them from the new surplus. The killing of small seals should be avoided altogether, if possible, but if it must be done, for the sake of procuring food, you must find means of using the skins for clothing in the Colonies, keeping a strict watch to prevent their falling into the hands of foreign traders. In the opinion of the board there can be no difficulty in preparing such small skins in the Colonies, where so many men are in need of employment whom we can more easily assist in this way than with direct charity.

In connection with this object of finding a market for the small seal skins, the board of administration would ask you to introduce their use as an article of clothing among the savages of the northern districts who may purchase them with other furs, which the Company could dispose of at a greater profit. The principal object in trying to accustom the natives to the use of small fur seal skins for their clothing is of course to prevent their falling into the hands of foreigners.

V. Kluppel,
Presiding Officer.
N. Tebenkof,
V. Zavoiko,
Members.

No. 26.

Letter from the Board of Administration of the Russian American Company to Captain of the first rank and Knight Stepan Vassilievitch Voyevodsky, Chief Manager of the Russian American Colonies. Written from St. Petersburg, June 5, 1857.

In reply to your excellency's despatch No. 41, of March 9, concerning the shipment of furs to New York and Shanghai, the board of administration has the honor to inform you that the annual demand for fur-seal skins in Russia has now increased to 15,000 dry skins, of which 5,000 are for the Kiakhta market; at this place only 2,000 beavers will be required. The remaining number of fur-seals, 12,000 or more, principally salted (in which shape they are preferred), you will dispatch in the autumn to Messrs. Lobach & Scheppler of New York immediately after the arrival of the ship from the districts, without subjecting the skins to any kind of treatment at New Archangel, leaving them just as they are when they arrive from the districts, and in the same packages.

At the same time the board of administration places upon the men in charge of sealing gangs the strictest injunctions to discontinue the killing of small gray seals, and in no case to ship them away from the Colonies, since they seriously interfere with profitable sales of fur-seals in Russia and in foreign markets, where only the larger skins secure good prices.

V. Politkovsky,
Presiding Officer.
V. Klupfel,
A. Etholin,
M. Tebenkof,
Members.

No. 27.

Letter from the Chief Manager of the Russian American Colonies to the Board of Administration of the Russian American Company. Written from the Colonies, October 7, 1857.

CONCERNING FUR-SEALS AND BEAVERS.

Referring to the dispatches of the board, Nos. 635 and 650, dated respectively June 5 and 10, and received on the 7th of September of this year, I have the honor to report that the instructions contained therein in regard to fur-seals and beavers will be carried into effect at once. From the fur-seal skins on hand 10,000 have been packed and forwarded by the ship *Czareritch* to Kronstadt; 5,000 skins will be put aside for shipment to Kiakhta by way of Ayan; and the remainder, about 5,000 skins, not including grays, will be forwarded to New York, together with all the beaver skins which can be collected, except the 2,000 skins destined for Kiakhta.

The fur-seal skins require no working over in New Archangel, but when the fact is taken into consideration that they will have to stand the passage across the equator and the tropics twice, it will hardly be safe to send them to New York, as indicated in the dispatch of the board, in the same packages in which they are received from the vari-

ous districts, *i. e.*, in bundles of several tens of skins, bound by leather straps.

According to information received by me from Messrs. Lobech and Sheppler, the people at New York were greatly pleased with the way in which our skins were forwarded and packed, the same having been received in good order, and it is probable that it would be better to continue packing in the same way, and, by way of experiment, to send two or three packages in the condition in which they are received from the colonial districts.

Messrs. Lobech and Sheppler advised that in packing the skins should not be folded on account of their liability to break at the folds; this advice will be followed in future in shipping of skins around the world.

The salting of fur-seals, which had been stopped by order of the board, will be renewed next year; but inasmuch as the orders to that effect will reach the islands of St. Paul and St. George not earlier than in the summer of that year, the receipt of a sufficient number of salted skins from those islands in the same year can not be guaranteed.

The experiment of salting fur-seal skins in New Archangel will also be made.

In regard to gray seals, I have the honor to express the opinion that the number of such seals taken should be increased. Until now, only such number of these seals was taken as was necessary for obtaining blubber to supply the wants of the Aleuts on the islands and to send to St. Michael's redoubt in exchange for skins furnished by the independent natives, but of late the demand for blubber in New Archangel itself has been on the increase by reason of the increase in the number of steamers and engines.

The blubber to be found in this market comes very high, and in order to reduce the expense I sent orders to the islands of St. Paul and St. George for supplies of fur-seal blubber, and have now received about a thousand gallons of seal oil, the cost of which at San Francisco would be about 8,000 paper rubles. In view of the above stated considerations, while issuing orders for the suppression, as far as practicable, of the killing of small gray seals, fit only for oil and meat, as winter supplies, I find it necessary to request definite instructions from the board of administration as to the absolute suspension of such killing. Should, however, the board, in view of the above-stated circumstances, authorize the killing of gray seals in such quantities as may be necessary for the supplies of blubber and meat required by the natives and residents on the islands of St. Paul and St. George, in such case the question will arise as to the disposition of the skin.

At the present time, there are about 5,000 such skins in the warehouse, and if about 3,000 skins a year be taken, then in a few years a quantity will be accumulated which will require a correspondingly large place of storage. I am inclined to the opinion that in case the sending of such skins to Russia and foreign markets should prove unprofitable, an attempt might be made to dispose of them in the colonies for making garments and coats, which, if the tanning is good, may be substituted for sheep-skin coats.

As an experiment a few garments might be made from the skins now lying unused in warehouses.

In conclusion, I have the honor to report to the board of administration that according to information now received, the fur-seal rookeries in all places, but particularly on the island of St. Paul, are so crowded that all available points for breeding are filled and they appear to be adequate so that an extension of the catch is deemed indispensable; and this will be carried into effect next year.

No. 28.

Letter from the Chief Manager of the Russian American Colonies to the Board of Administration of the Russian American Company. Written from the Colonies, January 13, 1859.

CONCERNING FUR-SEALS.

In accordance with the instructions of the board of administration in dispatch No. 697, dated June 5, 1858, and received on the 2d of November, there were sent by the ship *Kamchatka*, in addition to the 10,000 ordered by former instructions, 10,664 skins which had been prepared and packed before the receipt of dispatch No. 697, for shipment to New York; thereafter there remained 3,600 dry skins and 1,176 salted skins, which are now sent per brig *Kadiak* to San Francisco, for transmission to Messrs. Lobach and Sheppler.

In regard to the inquiry of the board as to the number of fur-seals which might be taken annually in the Colonies without detriment to the preservation of the species and to the rookeries, I have the honor to report that, according to information received from the manager of the Pribilof Islands, where the most important rookeries are situated, and from the Commander Islands, the numbers of seals on all the rookeries have increased to such an extent as to render the space quite inadequate, and that it would be quite possible to take from all the rookeries a total of 70,000 skins in one season, including the grays, but that in order to take such quantity, it would be necessary to increase the number of sealers on the Pribilof Islands, and the supply of firewood for the drying of the skins.

It may be positively stated that the taking of 70,000 skins each year for a long period to come, will not result in the impoverishment of the rookeries.

No. 29.

Letter from Captain of the first rank and Knight Ivan Vassilivitch Furuhelm, Chief Manager of the Russian American Colonies, to the Board of Administration of the Russian American Company. Written from the Colonies, May 13, 1860.

I have the honor to submit to you herewith a list of the furs obtained during the past year from the districts of the colonies, from which the board will learn the following:

Eight hundred and ninety-two more sea-otters were killed than in the year 1858. There has not been so good a season since 1844, and the increase is confined to the Kadiak district, Unalaska, and Urupa.

With reference to the sea-otter industry, the Kadiak office reports to me that pursuant to the arrangements made by my predecessor the Chugatch people living in the vicinity of the Konstantin redoubt, have been permitted to hunt independently of the general hunting party, in places known only to themselves. On their arrival at Kadiak, however, it appeared that they had been hunting on grounds upon which a close season had been proclaimed for 1859, and where our principal party was to have hunted during the current year. Under such unfortunate circumstances, I can not hope to meet with the same success in

the sea-otter industry as Rear Admiral Voyevodsky attained during the last year of his management of the Colonies.

Of beavers 760 more were killed last year than in 1858. The annual difference in the figures of this industry depends altogether upon local and climatic circumstances, to which the northern natives are more or less exposed. The excess of this year over last came chiefly from St. Michaels and the Kolmakovsky redoubts. Castoreums also show an excess of 470 pair over 1858.

Of fur-seals the output was 11,160 less than in 1858. The reason for this decrease given by the manager of the island of St. Paul is the late spring, during which the females were prevented by ice from reaching their hauling grounds and thereby lost their young. In explanation of this occurrence I inclose a copy of the report of Mr. Repin, the manager of the island.

I have dispatched Lieutenant Wehrman, of the Imperial Navy, to superintend the new buildings on St. Paul Island and to reorganize the laboring force, which had become demoralized to a certain extent.

An excess of 1,143 in this year's output over that of last year appeared as to foxes, and of 1,174 as to blue foxes. A decrease appears in lynx of 178 and in sables of 219.

According to the report of the manager of Copper Island, sea-otters are increasing there, and I have issued the strictest orders to prevent their being disturbed. On Atka Island a decrease in sea-otters has necessitated declaring a close season.

Only one poud and thirty-six pounds of walrus ivory have been received. The manager of Unga Island reports that on the northern side of the Alaska peninsula, in Moller Bay, five hundred pounds were obtained in 1856 and 1857, and stored there. On his visit to Moller Bay, in 1858, the ivory was not found, the walrus rookery had been destroyed, and the storehouse burned. Who committed this robbery is not known, but a few pieces of pilot bread and other remnants of food, as well as an oar from a whaleboat and tracks of boots, point to the commission of the deed by whalers.

This I have the honor to report to the board of administration.

[Copy of letter of Repin, manager of the island of St. Paul, dated June 20, 1859, addressed to the Chief Manager.]

MOST GRACIOUS SIR: I write to you to let you know that I received all your orders and instructions and also other instructions from the captain of the steamer.

I see that you wish me to have killed on both islands not less than 60,000 fur seals of various grades.

I would say to you, most gracious sir, that in my opinion it would not be advisable to kill so large a number this year on St. Paul Island.

The female seals came this year in May at the usual time after the "sekatches" had landed. Only a few had come ashore, when, with a strong northwest wind, the ice came from the north. It closed around the islands and was kept there by the wind for thirteen days. The ice was much broken and was kept in motion by the sea.

It is an actual fact, most gracious sir, that the females could not reach the shore through the ice. Some of the Aleuts went out as far as it was safe to go on the larger pieces of ice, and they saw the water full of seals. When the northwest gale ceased, the ice remained for nearly a week longer, being ground up in the heavy swell, and no females could land. A few "sekatches" tried to go out to sea, but did not succeed.

On the 10th of June the first females began to land, but they came slowly, and it was very late when the rookeries began to fill. Very few of the females—no more than one out of twenty or twenty-five—had their young after they came ashore. Nearly all must have lost them in the water, as for many weeks since the ice went away the bodies of young seals have been washed up by the sea in thousands. This misfortune I must humbly report to you. It was not the work of man, but of God.

Your very humble servant,

IVAN REPIN,
Manager of St. Paul Island.

No. 30.

Letter from Captain of the first rank and Knight Ivan Vassilivitch Furuhelm, Chief Manager of the Russian American Colonies, to the board of administration of the Russian American Company. Written from the Colonies, July 16, 1863.

In reply to the communication addressed to my predecessor by the board of administration January 31st of this year, No. 111, I have the honor to submit for your consideration the subjoined statement of the cost of preparing the dried and salted fur-seal skins:

REQUIRED FOR THE DRYING OF SEALSKINS.

	Rubles.
Wood for each 1,000 skins, 2½ fathoms, making the cost of each skin	2.85
For tying the bundle of 100 skins, 12 arshin sea lion-hide straps (a medium-sized skin worth 40 kopek yields 16 arshin straps), making for one skin	.10
Total	2.95
Or	3.00
To this we must add the pay of the Aleuts for each bachelor seal skin	75.00
Total	78.00

REQUIRED FOR THE SALTING OF SEAL SKINS.

The casks contain an average of 73 skins, and cost 5 rubles; the iron hoops and fastenings weigh 17 pounds, costing 6*r.* 80*k.*, a total of 11*r.* 80*k.*, making for 1 skin	.16
For the preliminary salting on the islands 3½ pounds of salt are used for each skin; during the final salting in New Archangel, 8 ponds of salt are added to each cask of 73 skins, making 4.4 pounds for each skin, a total of 7.9 pounds of salt	.79
For tying each skin 1⅓ zol. twine	.02½
For the wear and tear of coopers' instruments and material, approximately for each skin	.01
Total	.98
To this must be added the pay of the Aleuts for each batchelor fur-seal skin	.75
Total	*r*1.73

Concerning the processes employed in preparation according to both methods, I have the honor to report to the board of administration.

The dried fur-seal skins are prepared as follows: After separating the skin from the meat and carefully removing the blubber, the skin is stretched upon a frame, remaining thus until it is finally dried. After removing the skin from the frame it is folded twice lengthwise and

packed in bales containing from 50 to 100 skins, according to size, and finally the bales are bound with sea-lion straps.

The salted fur-seal skins are treated as follows, in accordance with the instructions of Mollison, inclosed in a dispatch of the board of administration, No. 81, of January 25, 1860.

After the skins are removed and stripped of meat or fat, they are strewn with salt and stacked in kenches. Later, when the laborers have more time the skins are taken from the kenches and the inner side of each skin covered with a thick layer of salt. Another skin is laid on top of this with its inner side down. Any protruding edges of the skins are apt to spoil, being removed from the influence of the salt; consequently they are carefully doubled in and both skins together rolled into a cylindrical shape. This roll is then lashed with strong seine twine. Finally the rolls are again tied together in bundles of from five to ten.

Though the labor of carrying the skins on the shoulders of men and women, the carrying of salt from the beach to the salt houses, and later the carrying of the heavy salted skins from the magazine to the beach to be loaded into bidaras for transmittal to the ship is very great, yet the process of drying presents still greater difficulties on account of the constant fog and rain prevailing on the Pribilof Islands. It may be positively stated that of the 25,000 dried skins prepared annually on these islands less than one fifth can be dried in the air. The remainder are dried in sod houses by the means of fires, or in the huts of the Aleuts, which are anyway too small and ill ventilated. For this reason and also on account of the difficulty of obtaining wood in quantities sufficient for the drying of seal skins, the salting by the Mollison method offers the greatest advantage.

No. 31.

Letter from the Chief Manager of the Russian American Colonies to the Manager of the island of St. Paul. Written from Sitka May 1, 1864.

Your reports forwarded last year by the steamship *Konstantin* and the bark *Prince Menshikof* have been received, and in reply I give you the following instructions:

As to No. 29. Last year you were instructed to fill requisitions of the manager of Unalaska Island in a certain contingency. Instructions have now been given to the manager of the island of St. George hereafter to furnish Unalaska with local products, and it will be your duty as heretofore to see to the supply of local products for Sitka and St. Michael's redoubt.

As to Nos. 30, 31. For want of space on the brig *Shelikof* I was unable to grant permission to Mrs. Iraïda Herman to visit this year the island of St. Paul, and for the same reason I could not send you a cow or a bull.

As to No. 32. In my instructions No. 249 of last year I determined the number of fur-seal skins to be taken by you in each year. By order of the board of administration I revoke said instructions No. 249, as well as all previous instructions concerning the catch of fur-seals. I now direct you to take hereafter annually about 70,000 fur-seal skins, of which 25,000 shall be dried and the remaining 45,000 salted according to the new directions in your possession.

The 70,000 skins now ordered to be prepared you must take only in case no decrease in the numbers of the animals is observed, otherwise you must immediately advise me for the purpose of having the number reduced with a view to preserve fur seals for subsequent years.

As these instructions will reach you late in the season, and as you will consequently be unable to prepare the whole quantity of fur-seal skins now required, I have to request that you will endeavor to take and salt not less than 10,000 skins during the time occupied by the trip of the vessel from St. Paul to St. Michael's redoubt and back, and to put them on board of the vessel on her second visit to the island. Last year you sent only 10,000 dried skins, while the order was to send about 20,000. In future you must endeavor to strictly fill the orders.

As to No. 34. You will make a report to my successor as to the rewards to deserving employés. He will probably visit your island in the course of this year.

As to No. 36. I thank you for your efforts in regard to the vaccination of the inhabitants, and I request that you will not neglect the matter in future.

In regard to your request for the admission of your son to the general colonial school of the Company at the Company's expense, I have to inform you that this school is not fully organized for the reception of boarders, and I therefore advise you to place your son as a boarder with one of your sisters here who receive pensions; your son when residing at Sitka can attend the school on the same terms as the day pupils of the Company.

The brig *Shelikof* will carry to you a cargo of supplies which you will discharge, sending on the same vessel the accumulated furs as well as your reports. Besides this vessel, you will be visited by the steamer *Konstantin* on her return trip from Nushagak; this vessel will bring you about 2,500 pounds of salt, and probably some logs.

I have ordered skipper Archimandritof to proceed by this brig for an inspection of the island under your care; you are therefore directed to comply with all his requests.

NOTICE ISSUED BY THE UNITED STATES GOVERNMENT IN 1845.

No. 2017.

UNITED STATES OF AMERICA.

Department of State.

To all to whom these presents shall come, greeting:

I certify that a notice, of which the annexed is a copy, was, at the direction of this Department, published on the 26th day of September, 1845, in the Daily Union newspaper of the city of Washington.

In testimony whereof, I, John W. Foster, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 1st day of August, A. D. 1892, and of the Independence of the United States of America the one hundred and seventeenth.

[SEAL] JOHN W. FOSTER.

DEPARTMENT OF STATE,
Washington, September 26, 1845.

The Russian Minister at Washington has informed the Secretary of State that the Imperial Government, desirous of affording official protection to the Russian territories in North America against the infractions of foreign vessels, has authorized cruisers to be established for this purpose along the coast by the Russian-American Company. It is, therefore, recommended to American vessels to be careful not to violate the existing treaty between the two countries, by resorting to any point upon the Russian American coast where there is a Russian establishment, without the permission of the governor or commander, nor to frequent the interior seas, gulfs, harbors, and creeks upon that coast at any point north of the latitude of 54° 40′.

ACTION OF THE UNITED STATES GOVERNMENT RELATIVE TO ALASKA SINCE THE CESSION.

	Pages.
Laws enacted by Congress	92–99
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Decisions of the United States Courts	113–124

LAWS ENACTED BY CONGRESS.

A resolution more efficiently to protect the fur-seal in Alaska.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the islands of St. Paul and St. George in Alaska be, and they are hereby, declared a special reservation for Government purposes; and that, until otherwise provided by law, it shall be unlawful for any person to land or remain on either of said islands, except by the authority of the Secretary of the Treasury; and any person found on either of said islands, contrary to the provisions of this resolution, shall be summarily removed; and it shall be the duty of the Secretary of War to carry this resolution immediately into effect.

Approved, March 3, 1869.

An act to prevent the extermination of fur-bearing animals in Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful to kill any fur-seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September and October in each year, and it shall be unlawful to kill such seals at any time by the use of fire-arms, or use other means tending to drive the seals away from said islands: *Provided*, That the natives of said islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use, which killing shall be limited and controlled by such regulations as shall be prescribed by the Secretary of the Treasury.

SEC. 2. And be it further enacted, that it shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to said islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and any person who shall violate either of the provisions of this or the first section of this act shall be punished, on conviction thereof, for such offence by a

fine of not less than two hundred dollars, nor more than one thousand dollars, or by imprisonment not exceeding six months, or by such fine and imprisonment both, at the discretion of the court having jurisdiction by taking cognizance of the offence; and all vessels, their tackle, apparel, and furniture, whose crew shall be found engaged in the violation of any of the provisions of this act shall be forfeited to the United States.

SEC. 3. And be it further enacted, that for the period of twenty years from and after the passing of this act the number of fur seals which may be killed for their skins upon the island of Saint Paul is hereby limited and restricted to seventy-five thousand per annum; and the number of fur-seals which may be killed for their skins upon the island of Saint George is hereby limited and restricted to twenty-five thousand per annum: *Provided*, That the Secretary of the Treasury may restrict and limit the right of killing if it shall become necessary for the preservation of such seals with such proportionate reduction of the rents reserved to the Government as shall be right and proper, and if any person shall knowingly violate either of the provisions of this section he shall, upon due conviction thereof, be punished in the same way as provided herein for a violation of the provisions of the first and second sections of this act.

SEC. 4. And be it further enacted, that immediately upon the passage of this act, the Secretary of the Treasury shall lease for the rental mentioned in section six of this act, to proper and responsible parties, to the advantage of the United States having due regard to the interests of the Government, the native inhabitants, the parties heretofore engaged in trade, and the protection of the seal fisheries for a term of twenty years from the first day of May, eighteen hundred and seventy, the right to engage in the business of taking fur seals on the islands of Saint Paul and Saint George, and to send a vessel or vessels to said islands for the skins of such seals, giving to the lessee or lessees of said islands a lease, duly executed in duplicate not transferable, and taken from the lessee or lessees of said islands a bond with sufficient securities in a sum not less than five hundred thousand dollars conditioned for the faithful observance of all the laws and requirements of Congress and of the regulations of the Secretary of the Treasury touching the subject-matter of taking fur seal, and disposing of the same, and for the payment of all taxes and dues according to the United States connected therewith, and in making said lease the Secretary of the Treasury shall have due regard to the preservation of the seal-fur trade of said islands and the comfort, maintenance, and education of the natives thereof. The said lesses shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government revenue officer for the time being who may be in charge at the said islands as the authority of the party for landing and taking skins.

SEC. 5. *And be it further enacted*, That at the expiration of said term of twenty years or on surrender or forfeiture of any lease, other leases may be made in manner aforesaid for other terms of twenty years; but no persons other than American citizens shall be permitted by lease or otherwise, to occupy said islands or either of them, for the purpose of taking the skins of fur seals therefrom, nor shall any foreign vessel be engaged in taking such skins, and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any person or persons other than American citizens. Every lease shall contain a

covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of said islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and any person who shall kill any fur seal on either of said islands, or in the waters adjacent thereto, without authority of the lessees thereof, and any person who shall molest, disturb, or interfere with said lessees, or either of them, or their agents or employés in the lawful prosecution of their business under the provisions of this act, shall be deemed guilty of a misdemeanor, and shall for each offense on conviction thereof, be punished in the same way and by like penalties as prescribed in the second section of this act. And all vessels, their tackle, apparel, appurtenances, and cargo, whose crews shall be found engaged in any violation of either of the provisions of this section, shall be forfeited to the United States; and if any person or company under any lease herein authorized, shall knowingly kill, or permit to be killed, any number of seals exceeding the number for each island in this act prescribed, such person or company shall, in addition to the penalties and forfeitures aforesaid, also forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then said person or company shall forfeit the value of the same, and it shall be the duty of any revenue officer officially acting as such on either of said islands to seize and destroy any distilled spirits or spirituous liquors found thereon: *Provided*, That such officer shall make detailed report of his doings to the collector of the port.

SEC. 6. *And be it further enacted*, That the annual rental to be reserved by said lease shall not be less than fifty thousand dollars per annum; to be secured by deposit of United States bonds to that amount, and in addition thereto a revenue tax as a duty, of two dollars, is hereby laid upon each fur-seal skin taken and shipped from said islands during the continuance of such lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is hereby empowered and authorized to make all needful rules and regulations for the collection and payment of the same, for the comfort maintenance, education, and protection of the natives of said islands, and also for carrying into full effect all the provisions of this act: *Provided further*, That the Secretary of the Treasury may terminate any lease given to any person, company, or corporation on full and satisfactory proof of the violation of any of the provisions of this act or the rules and regulations established by him: *Provided further*, That the Secretary of the Treasury is hereby authorized to deliver to the owners the fur-seal skins now stored on the island, on the payment of one dollar for each of said skins taken and shipped away by said owners.

SEC. 7. *And be it further enacted*, That the provisions of the seventh and eighth sections of "An act to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district thereon, and for other purposes," approved July twenty-seventh, one thousand eight hundred and sixty-eight," shall be deemed to apply to this act, and all the prosecutions for offenses committed against the provisions of this act, and all other proceedings had because of the violations of the provisions of this act, and which are authorized by said act above mentioned, shall be in accordance with the provisions thereof; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 8. *And be it further enacted*, That the Congress may at any time hereafter alter, amend, or repeal this act.

Approved July 1, 1870.

REVISED STATUTES RELATING TO ALASKA.

CHAPTER III.—*Provisions relating to the unorganized Territory of Alaska.*

Sec.
1954. Customs, etc., laws extended to Alaska.
1955. Importation of firearms and distilled spirits may be prohibited.
1956. Killing of fur-bearing animals prohibited.
1957. What courts to have jurisdiction of offenses.
1958. Remission of fines, etc.
1959. St. Paul and St. George islands declared special reservations.
1960. Killing of seal upon them prohibited except in certain months.
1961. Killing of certain seal prohibited.
1962. Limit to number of seals to be killed.
1963. Right to take seal may be leased.

Sec.
1964. Bond.
1965. Who may lease.
1966. Covenants in lease.
1967. Penalty.
1968. Penalty upon lessees.
1969. Tax upon seal skins.
1970. Lease may be terminated.
1971. Lessees to furnish copies to masters of their vessels.
1972. Certain sections may be altered.
1973. Agents and assistants to manage seal fisheries.
1974. Their pay, etc.
1975. Not to be interested in right to take seals.
1976. Agents may administer certain oaths and take testimony.

SEC. 1954. The laws of the United States relating to customs, commerce, and navigation, are extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, A. D. one thousand eight hundred and sixty-seven, so far as the same may be applicable thereto.

SEC. 1955. The President shall have the power to restrict and regulate or to prohibit the importation and use of firearms, ammunition, and distilled spirits into and within the Territory of Alaska; the exportation of the same from any other port or place in the United States, when destined to any port or place in that Territory, and all such arms, ammunition, and distilled spirits exported or attempted to be exported from any port or place in the United States and destined for such Territory in violation of any regulations that may be prescribed under this section, and all such arms, ammunition, and distilled spirits landed or attempted to be landed or used at any port or place in the Territory, in violation of such regulations, shall be forfeited; and if the value of the same exceeds four hundred dollars, the vessel upon which the same is found, or from which they have been landed, together with her tackle, apparel, and furniture, and cargo, shall be forfeited; and any person willfully violating such regulations shall be fined not more than five hundred dollars or imprisoned not more than six months. Bonds may be required for a faithful observance of such regulations from the master or owners of any vessel departing from any port in the United States having on board firearms, ammunition, or distilled spirits, when such vessel is destined to any place in the Territory, or if not so destined, when there is reasonable ground of suspicion that such articles are intended to be landed therein in violation of law; and similar bonds may also be required on the landing of any such articles in the Territory from the person to whom the same may be consigned.

SEC. 1956. No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal, within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred dollars nor more than one thousand dollars, or imprisonment not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited. But the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

SEC. 1957. Until otherwise provided by law, all violations of this chapter and of the several laws hereby extended to the Territory of Alaska and the waters thereof committed within limits of the same shall be prosecuted in any district court of the United States in California or Oregon, or in the district courts of Washington; and the collector and deputy collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and the other laws extended over the Territory, and to keep and deliver the same to the marshal of some one of such courts; and such courts shall have original jurisdiction, and may take cognizance of all cases arising under this act and the several laws hereby extended over the Territory, and shall proceed therein in the same manner and with the like effect as if such cases had arisen within the district or territory where the proceedings are brought.

SEC. 1958. In all cases of fine, penalty, or forfeiture embraced in the act approved the third March, one thousand seven hundred and ninety-seven, chapter thirteen, or mentioned in any act in addition to or amendatory of such act, that have occurred or may occur in the collection district of Alaska, the Secretary of the Treasury is authorized, if, in his opinion, the fine, penalty, or forfeiture was incurred without willful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper without regard to the provisions of the act above referred to; and upon the facts so to be ascertained he may exercise all the power of remission conferred upon him by that act, as fully as he might have done had such facts been ascertained under and according to the provisions of that act.

SEC. 1959. The islands of Saint Paul and Saint George, in Alaska, are declared a special reservation for Government purposes, and until otherwise provided by law it shall be unlawful for any person to land or remain on either of those islands, except by the authority of the Secretary of the Treasury, and any person found on either of those islands, contrary to the provisions hereof, shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

SEC. 1960. It shall be unlawful to kill any fur seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of firearms, or by other means tending to drive the seals away from those islands, but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and

clothing during other months, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of the Treasury.

SEC. 1961. It shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

SEC. 1962. For the period of twenty years from the first July, one thousand eight hundred and seventy, the number of fur seals which may be killed for their skins upon the island of Saint Paul is limited to seventy-five thousand per annum; and the number of fur-seals which may be killed for their skins upon the island of St. George is limited to twenty-five thousand per annum; but the Secretary of the Treasury may limit the right of killing, if it becomes necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the Government as may be proper; and every person who knowingly violates either of the provisions of this section shall be punished as provided in the preceding section.

SEC. 1963. When the lease heretofore made by the Secretary of the Treasury to "The Alaska Commercial Company" of the right to engage in taking fur seals on the islands of Saint Paul and Saint George, pursuant to the act of the first July, chapter one hundred and eighty-nine, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in trade and the protection of the fisheries, the right of taking fur seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than fifty thousand dollars, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and every such lease shall be duly executed in duplicate, and shall not be transferable.

SEC. 1964. The Secretary of the Treasury shall take from the lessees of such islands in all cases a bond, with securities, in a sum not less than five hundred thousand dollars, conditioned for the faithful observance of all the laws and requirements of Congress, and the regulations of the Secretary of the Treasury touching the taking of fur seals, and the disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith.

SEC. 1965. No persons other than American citizens shall be permitted, by lease or otherwise, to occupy the islands of Saint Paul and Saint George, or either of them, for the purpose of taking the skins of fur seals therefrom, nor shall any foreign vessels be engaged in taking such skins; and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit

or advantage, directly or indirectly, of any persons other than American citizens.

SEC. 1966. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give or dispose of any distilled spirits or spiritous liquors on either of those islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and every revenue officer, officially acting as such on either of the islands, shall seize and destroy any distilled or spirituous liquors found thereon; but such officer shall make detailed reports of his doings in that matter to the collector of the port.

SEC. 1967. Every person who kills any fur seal on either of those islands, or in the waters adjacent thereto, without authority of the lessees thereof, and every person who molests, disturbs, or interferes with the lessees, or either of them, or their agents or employés, in the lawful prosecution of their business, under the provisions of this chapter, shall for each offense be punished as prescribed in section nineteen hundred and sixty-one; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crews are found engaged in any violation of the provisions of sections nineteen hundred and sixty-five to nineteen hundred and sixty-eight, inclusive, shall be forfeited to the United States.

SEC. 1968. If any person or company, under any lease herein authorized, knowingly kills, or permits to be killed, any number of seals exceeding the number for each island in this chapter prescribed, such person or company shall, in addition to the penalties and forfeitures herein provided, forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then such person or company shall forfeit the value of the same.

SEC. 1969. In additional to the annual rental required to be reserved in every lease, as provided in section nineteen hundred and sixty-three, a revenue tax or duty of two dollars is laid upon each fur-seal skin taken and shipped from the islands of Saint Paul and Saint George during the continuance of any lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed.

SEC. 1970. The Secretary of the Treasury may terminate any lease given to any person, company, or corporation on full and satisfactory proof of the violation of any of the provisions of this chapter or the regulations established by him.

SEC. 1971. The lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government revenue officer for the time being who may be in charge at the islands as the authority of the party for landing and taking skins.

SEC. 1972. Congress may at any time hereafter alter, amend, or repeal sections from nineteen hundred and sixty to nineteen hundred and seventy-one, both inclusive of this chapter.

SEC. 1973. The Secretary of the Treasury is authorized to appoint one agent and three assistant agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Treasury.

SEC. 1974. The agent shall receive the sum of ten dollars each day, one assistant agent the sum of eight dollars each day, and two assist-

ant agents the sum of six dollars each day while so employed; and they shall also be allowed their necessary traveling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the proper accounting officers of the Treasury, and such expenses shall not exceed in the aggregate six hundred dollars each in any one year.

SEC. 1975. Such agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds or profits thereof, either as owner, agent, partner, or otherwise.

SEC. 1976. Such agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenues.

CHAP. 64.—An act to amend the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," approved July first, eighteen hundred and seventy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," approved July first, eighteen hundred and seventy, is hereby amended so as to authorize the Secretary of the Treasury, and he is hereby authorized, to designate the months in which fur seals may be taken for their skins on the islands of St. Paul and St. George, in Alaska, and in the waters adjacent thereto, and the number to be taken on or about each island respectively.

An act to provide for the protection of the salmon fisheries of Alaska.

SEC. 3. That section nineteen hundred and fifty-six of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea; and it shall be the duty of the President, at a timely season in each year, to issue his proclamation and cause the same to be published for one month in at least one newspaper if any such there be published at each United States port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.

Approved, March 2, 1889.

ACTION OF THE EXECUTIVE.

CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA,
Treasury Department, July 30, 1892.

Pursuant to section 882 of the Revised Statutes I hereby certify that the annexed papers are true copies of regulations and instructions issued and letters written by this Department relative to the Territory of Alaska.

In witness whereof I have hereunto set my hand and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.]

CHARLES FOSTER,
Secretary of the Treasury.

Regulations issued by the United States Treasury Department relative to the Pribilof Islands.

TREASURY DEPARTMENT, *February 8, 1870.*

The attention of collectors and other officers of the customs is directed to the following Executive order:

EXECUTIVE MANSION,
Washington, D. C., February 4, 1870.

Under and in pursuance of the authority vested in me by the provisions of the second section of the act of Congress, approved on the 27th day of July, 1868, entitled "An act to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes," the importation of distilled spirits into and within the district of Alaska is hereby prohibited, and the importation and use of firearms and ammunition into and within the islands of St. Paul and St. George, in said district, are also hereby prohibited, under the pains and penalties of law.

U. S. GRANT,
President.

In conformity with the foregoing order of the President, and to insure its faithful execution, collectors of customs are hereby instructed to refuse clearance to all vessels having on board distilled spirits for ports, places, or islands within the territory and collection district of Alaska.

Vessels clearing for any port or place intending to touch, trade, or pass within the waters of Alaska, with distilled spirits or firearms and ammunition on board, will be required to execute and deliver to the collector of customs, at the port of clearance, a good and sufficient bond in double the value of the articles so laden, conditioned that said spirits, or any part thereof, shall not be landed upon or disposed of within the Territory of Alaska, or that said arms and ammunition, or any part thereof, shall not be landed, disposed of, or used upon either of the islands of St. Paul or St. George, in said district.

GEO. S. BOUTWELL,
Secretary of the Treasury.

TREASURY DEPARTMENT, *September 10, 1870.*

The following Executive order relating to the importation of arms into the islands of St. Paul and St. George, within the district of Alaska, is published for the information of officers of the customs:

EXECUTIVE MANSION.
Washington, D. C., September 9, 1870.

So much of Executive order of February 4, 1870, as prohibits the importation and use of firearms and ammunition into and within the islands of St. Paul and St. George, Alaska, is hereby modified so as to permit the Alaska Commercial Company to take a limited quantity of firearms and ammunition to said islands, subject to the directions of the revenue officers there, and such regulations as the Secretary of the Treasury may prescribe.

U. S. GRANT,
President.

The instructions issued by this Department in its circular of February 8, 1870, are accordingly modified so as to adjust them to the above order. Revenue officers will, however, see that the privilege granted to the said company is not abused; that no firearms of any kind are ever used by said company in the killing of seals or other fur-bearing animals on or near said islands or near the haunts of seals or sea-otters in the district, nor for any purpose whatever, during the months of June, July, August, September, and October of each year, nor after the arrival of seals in the spring or before their departure in the fall, excepting for necessary protection and defense against marauders or public enemies who may unlawfully attempt to land upon the islands.

In all other respects the instructions of February 8, 1870, will remain in force.

WM. A. RICHARDSON,
Acting Secretary.

TREASURY DEPARTMENT,
Washington, D. C., July 3, 1875.

To collectors of customs:

The importation of breech-loading rifles and fixed ammunition suitable therefor into the Territory of Alaska, and the shipment of such rifles or ammunition to any port or place in the Territory of Alaska, are hereby forbidden, and collectors of customs are instructed to refuse clearance of any vessel having on board any such arms or ammunition destined for any port or place in said Territory.

If, however, any vessel intends to touch or trade at a port in Alaska Territory, or to pass within the waters thereof, but shall be ultimately destined for some port or place not within the limits of said Territory, and shall have on board any such firearms or ammunition, the master or chief officer thereof will be required to execute and deliver to the collector of customs at the port of clearance a good and sufficient bond, with two sureties, in double the value of such merchandise, conditioned that such arms or ammunition, or any part thereof, shall not be landed or disposed of within the Territory of Alaska.

Such bond shall be taken for such time as the collector shall deem proper, and may be satisfied upon proofs similar to those required to satisfy ordinary export bonds, showing that such arms have been landed at some foreign port; or, if such merchandise is landed at any port of the United States not within the limits of the Territory of Alaska, the bond may be satisfied upon production of a certificate to that effect from the collector of the port where it so landed.

Approved.

CHAS. F. CONANT,
Acting Secretary.

TREASURY DEPARTMENT,
Washington, D. C., April 21, 1879.

Section 1956 of the Revised Statutes of the United States provides that no person shall, without the consent of the Secretary of the Treasury, kill any otter, mink, marten, sable, or fur-seal, or other fur bearing animal within the limits of Alaska Territory, or in the waters thereof, and that any person convicted of a violation of that section shall, for

each offense, be fined not less than $200 nor more than $1,000, or be imprisoned not more than six months, or both; and that all vessels, with their tackle, apparel, furniture, and cargo, found engaged in violation of that section shall be forfeited.

No fur-bearing animals will, therefore, be allowed to be killed by persons other than the natives within the limits of Alaska Territory, or in the waters thereof, except fur-seals taken by the Alaska Commercial Company in pursuance of their lease. The use of firearms by the natives in killing otter during the months of May, June, July, August, and September is hereby prohibited. No vessel will be allowed to anchor in the well-known otter-killing grounds, except those which may carry parties of natives to or from such killing grounds; and it will be the duty of the officers of the United States, who may be in that locality, to take all proper measures to enforce all the pains and penalties of the law against persons found guilty of a violation thereof. White men lawfully married to natives and residing within the Territory are considered natives within the meaning of this order.

JOHN SHERMAN,
Secretary of the Treasury.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., March 12, 1881.

SIR: Your letter of the 19th ultimo, requesting certain information in regard to the meaning placed by this Department upon the law regulating the killing of fur-bearing animals in the Territory of Alaska was duly received. The law prohibits the killing of any fur-bearing animals, except as otherwise therein provided, within the limits of Alaska Territory, or in the waters thereof, and also prohibits the killing of any fur-seals on the islands of St. Paul and St. George or in the waters adjacent thereto, except during certain months.

You inquire in regard to the interpretation of the terms "waters thereof" and "waters adjacent thereto," as used in the law, and how far the jurisdiction of the United States is to be understood as extending.

Presuming your inquiry to relate more especially to the waters of western Alaska, you are informed that the treaty with Russia of March 30, 1870, by which the Territory of Alaska was ceded to the United States, defines the boundary of the Territory so ceded. This treaty is found on pages 671 to 673 of the volume of treaties of the Revised Statutes. It will be seen therefrom that the limit of the cession extends from a line starting from the Arctic Ocean and running through Bering Strait to the north of St. Lawrence Islands. The line runs thence in a southwesterly direction, so as to pass midway between the island of Attu and Copper Island of the Kromanboski couplet or group in the North Pacific Ocean, to meridian of 193 degrees of west longitude. All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands are considered as comprised within the waters of Alaska Territory.

All the penalties prescribed by law against the killing of fur-bearing animals would therefore attach against any violation of law within the limits before described.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

Mr. D. A. ANCONA,
No. 717 O'Farrell street, San Francisco, Cal.

TREASURY DEPARTMENT, *March 6, 1886.*

SIR: I transmit herewith for your information a copy of a letter addressed by the Department on the 12th March, 1881, to D. A. D'Ancona, concerning the jurisdiction of the United States in the waters of the Territory of Alaska and the prevention of the killing of fur-seals and other fur-bearing animals within such areas as prescribed by Chapter 3, Title 23, of the Revised Statutes. The attention of your predecessor in office was called to this subject on the 4th April, 1881. This communication is addressed to you inasmuch as it is understood that certain parties at your port contemplate the fitting out of expeditions to kill fur-seals in these waters. You are requested to give due publicity to such letters in order that such parties may be informed of the construction placed by this Department upon the provision of law referred to.

Respectfully, yours,

D. MANNING,
Secretary.

COLLECTOR OF CUSTOMS,
San Francisco.

Regulations governing the seal fisheries in Alaska, published in 1889.

The law limits the number of seals which may be killed for their skins on the islands of St. Paul and St. George to 100,000 per annum. At present the quota is fixed at 80,000 for St. Paul Island, and 20,000 for St. George Island. This proportion may be varied from time to time by the Secretary of the Treasury as facts may seem to demand.

The skins will be counted by the Treasury agents as they are placed in the salt houses, and again as they are placed on board the vessel; and a daily record of the count will be kept. This record will be filed, and from it will be entered in a ledger a proper report of the season's catch. At the close of each season a report to the Treasury Department will be made by the principal agent, showing the number of skins taken and shipped, which will include the skins of any seals killed for food and accepted by the company as part of its quota. The report will also show to what extent the company has performed the other conditions of the lease with respect to furnishing supplies to the natives, keeping the school, etc., and generally embracing a review for the year of the condition of affairs at the islands. The natives are expected to perform the work assigned them in an orderly and proper manner, and the making or the use of "quass" or other intoxicating drinks will be discouraged by the officers of the company and of the Government, and, when necessary, the issuance of supplies from which such beverages can be made may be refused. To do the coarser kind of work, such as salting the skins, etc., the company is authorized to take from other parts of the Territory a proper number of men, who may be used to do the work of killing or flaying, should the natives of the islands fail or refuse to do their work or to perform it in a satisfactory manner.

The Treasury agents are expected to maintain order, require the attendance of the children at the school, and lend their best efforts to regulate the condition of affairs, so as to promote the welfare of the natives and advance them in civilization.

Occasional visits will be made by the Government officers to Otter

Island, situate about 6 miles from St. Paul Island, where large numbers of seals congregate, in order to keep off marauders and prevent the unlawful killing of seals. On shipment of the skins from the seal islands a certificate, signed by the Treasury agent and by the captain of the vessel, of the number of skins laden on board will be made out in duplicate, one copy to be given to the captain and one to be retained by the agent. The captain will, on arrival, deliver his copy to the collector of customs at San Francisco. The skins will be then counted by officers detailed by the collector for that purpose, and a record of each day's count made. Temporary payment of tax will be accepted on the count of skins at San Francisco, and a report will, upon payment of such tax, be made by the collector of the Treasury, showing the number of skins embraced in the certificate presented by the captain, the number ascertained by the San Francisco count, and the sum paid as tax. Should any considerable variance be shown by these reports between the count of the skins made at the islands and that made at San Francisco the Department will take such action in regard thereto as the facts may appear to demand.

These regulations are in force to-day, except as modified by the lease of 1890 and the *modus vivendi* of 1891 and 1892.

In the summer of 1891 instructions were given to the Treasury agents stationed on the Pribilof Islands to prohibit in future all killing of pup-seals for food, or for any other purposes.

CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA,
Treasury Department, July 30, 1892.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed papers are true copies of the contracts made by the Secretary of the Treasury with The Alaska Commercial Company in 1870, and with The North American Commercial Company in 1890 relative to sealing rights in the Pribilof Islands.

In witness whereof, I have hereunto set my hand, and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.] CHARLES FOSTER,
Secretary of the Treasury.

Lease of sealing rights on the Pribilof Islands to The Alaska Commercial Company in 1870.

CONTRACT BETWEEN WILLIAM A. RICHARDSON, ACTING SECRETARY OF THE TREASURY, AND THE ALASKA COMMERCIAL COMPANY.

This indenture, in duplicate, made this 3d day of August, A. D. 1870, by and between William A. Richardson, Acting Secretary of the Treasury, in pursuance of an act of Congress approved July 1st, 1870, entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and The Alaska Commercial Company, a corporation duly established under the laws of the State of California, acting by John F. Miller, its presi-

dent and agent, in accordance with a resolution of said corporation duly adopted at a meeting of its board of trustees held January 31st, 1870.

Witnesseth that the said Secretary hereby leases to The Alaska Commercial Company, without power of transfer, for the term of twenty years, from the 1st day of May, 1870, the right to engage in the business of taking fur-seals on the islands of St. George and St. Paul, within the Territory of Alaska, and to send a vessel or vessels to said islands for the skins of such seals.

And the said Alaska Commercial Company, in consideration of their right under this lease, hereby covenant and agree to pay for each year during said term, and in proportion during any part thereof, the sum of $55,000 into the Treasury of the United States, in accordance with the regulations of the Secretary, to be made for this purpose under said act, which payment shall be secured by deposit of United States bonds to that amount; and also covenant and agree to pay annually into the Treasury of the United States, under said rules and regulations, a revenue tax or duty of $2 upon each fur-seal skin taken and shipped by them in accordance with the provisions of the act aforesaid; and also the sum of 62½ cents for each fur-seal skin taken and shipped and 55 cents per gallon for each gallon of oil obtained from said seals for sale on said islands or elsewhere and sold by said company. And also covenant and agree, in accordance with said rules and regulations, to furnish free of charge the inhabitants of the islands of St. Paul and St. George, annually during said term, 25,000 dried salmon, 60 cords firewood, a sufficient quantity of salt, and a sufficient number of barrels for preserving the necessary supply of meat.

And the said lessees also hereby covenant and agree during the term aforesaid, to maintain a school on each island, in accordance with said rules and regulations, and suitable for the education of the natives of said islands, for a period of not less than eight months in each year.

And the said lessees further covenant and agree not to kill upon said island of St. Paul more than 75,000 fur-seals, and upon the island of St. George not more than 25,000 fur-seals per annum; not to kill any fur-seal upon the islands aforesaid in any other month except the months of June, July, September, and October of each year; not to kill such seals at any time by the use of firearms or other means tending to drive the seals from said islands; not to kill any female seal or any seal less than one year old; not to kill any seal in the waters adjacent to said islands or on the beaches, cliffs, or rocks where they haul up from the sea to remain.

And the said lessees further covenant and agree to abide by any restriction or limitation upon the right to kill seals under this lease that the act prescribes or that the Secretary of the Treasury shall judge necessary for the preservation of such seals.

And the said lessees hereby agree that they will not in any way sell, transfer, or assign this lease, and that any transfer, sale, or assignment of the same shall be void and of no effect.

And the said lessees further covenant and agree to furnish to the several masters of the vessels employed by them certified copies of this lease, to be presented to the Government revenue officers, for the time being in charge of said islands, as the authority of said lessees for the landing and taking said skins.

And the said lessees further covenant and agree that they or their agents shall not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of said islands to any of the

natives thereof, such person not being a physician furnishing the same for use as medicine.

And the said lessees further covenant and agree that this lease is accepted subject to all needful rules and regulations which shall at any time or times hereafter be made by the Secretary of the Treasury for the collection and payment of the rentals herein agreed to be paid by said lessees, for the comfort, maintenance, education, and protection of the natives of said islands, and for carrying into effect all the provisions of the act aforesaid, and will abide by and conform to said rules and regulations.

And the said lessees, accepting this lease with the full knowledge of the provisions of the aforesaid act of Congress, further covenant and agree that they will fulfill all the provisions, requirements, and limitations of said act, whether herein specifically set out or not.

In witness whereof the parties aforesaid have hereunto set their hands and seals the day and year above written.

WILLIAM A. RICHARDSON,
Acting Secretary of the Treasury.
ALASKA COMMERCIAL COMPANY,
By JNO. F. MILLER, *President.*

Executed in the presence of—
J. H. SAVILLE.

Lease of the sealing rights on the Pribilof Islands to the North American Commercial Company in 1890.

This indenture, made in duplicate this 12th day of March, 1890, by and between William Windom, Secretary of the Treasury of the United States, in pursuance of Chapter 3, of Title 23, Revised Statutes, and The North American Commercial Company, a corporation duly established under the laws of the State of California and acting by I. Liebes, its president, in accordance with a resolution of said corporation adopted at a meeting of its board of directors held January 4, 1890.

Witnesseth: That the said Secretary of the Treasury, in consideration of the agreements hereinafter stated, hereby leases to the said North American Commercial Company for a term of twenty years from the 1st day of May, 1890, the exclusive right to engage in the business of taking fur-seals on the islands of St. George and St. Paul, in the Territory of Alaska, and to send a vessel or vessels to said islands for the skins of such seals.

The said North American Commercial Company, in consideration of the rights secured to it under this lease above stated, on its part covenants and agrees to do the things following, that is to say:

To pay to the Treasurer of the United States each year during the said term of twenty years, as annual rental, the sum of $60,000; and in addition thereto agrees to pay the revenue tax, or duty, of $2 laid upon each fur-seal skin taken and shipped by it from said islands of St. George and St. Paul; and also to pay to the said Treasurer the further sum of $7.62½ apiece for each and every fur-seal skin taken and shipped from said islands; and also to pay the sum of 50 cents per gallon for each gallon of oil sold by it made from seals, that may be taken on said islands during the said period of twenty years; and to secure the prompt payment of the $60,000 rental above referred to, the said company agrees to deposit with the Secretary of the Treasury bonds of the

United States to the amount of $50,000, face value to be held as a guarantee for the annual payment of said $60,000 rental, the interest thereon when due to be collected and paid to The North American Commercial Company, provided the said company is not in default of payment of any part of the said $60,000 rental.

That it will furnish to the native inhabitants of said islands of St. George and St. Paul annually such quantity or number of dried salmon, and such quantity of salt and such number of salt barrels for preserving their necessary supply of meat as the Secretary of the Treasury shall from time to time determine.

That it will also furnish to the said inhabitants 80 tons of coal annually and a sufficient number of comfortable dwellings in which said native inhabitants may reside, and will keep said dwellings in proper repair; and will also provide and keep in repair such suitable schoolhouses as may be necessary, and will establish and maintain during eight months of each year proper schools for the education of the children on said islands, the same to be taught by competent teachers, who shall be paid by the Company a fair compensation, all to the satisfaction of the Secretary of the Treasury; and will also provide and maintain a suitable house for religious worship; and will also provide a competent physician or physicians and necessary and proper medicines and medical supplies; and will also provide the necessaries of life for the widows and orphans and aged and infirm inhabitants of said islands who are unable to provide for themselves; all of which foregoing agreements will be done and performed by the said Company free of all costs and charges to said native inhabitants of said islands or to the United States.

The annual rental, together with all other payments to the United States provided for in this lease, shall be made and paid on or before the first day of April of each and every year during the existence of this lease, beginning with the 1st day of April, 1891.

The said Company further agrees to employ the native inhabitants of said islands to perform such labor upon the islands as they are fitted to perform, and to pay therefor a fair and just compensation, such as may be fixed by the Secretary of the Treasury; and also agrees to contribute, as far as in its power, all reasonable efforts to secure the comfort, health, education, and promote the morals and civilization of said native inhabitants.

The said Company also agrees faithfully to obey and abide by all rules and regulations that the Secretary of the Treasury has heretofore or may hereafter establish or make in pursuance of law concerning the taking of seals on said islands, and concerning the comfort, morals, and other interests of said inhabitants, and all matters pertaining to said islands and the taking of seals within the possessions of the United States. It also agrees to obey and abide by any restrictions or limitations upon the right to kill seals, that the Secretary of the Treasury shall judge necessary under the law, for the preservation of the seal fisheries of the United States; and it agrees that it will not kill, or permit to be killed, so far as it can prevent, in any year, a greater number of seals than is authorized by the Secretary of the Treasury.

The said Company further agrees that it will not permit any of its agents to keep, sell, give, or dispose of any distilled spirits or spirituous liquors or opium on either of said islands, or the waters adjacent thereto, to any of the native inhabitants of said islands, such person not being a physician and furnishing the same for use as a medicine.

It is understood and agreed that the number of fur-seals to be taken

and killed for their skins upon said islands by the North American Commercial Company during the year ending May 1, 1891, shall not exceed 60,000.

The Secretary of the Treasury reserves the right to terminate this lease and all rights of the North American Commercial Company under the same at any time, on full and satisfactory proof that the said company has violated any of the provisions and agreements of this lease, or in any of the laws of the United States, or any Treasury regulation respecting the taking of fur-seals, or concerning the islands of St. George and St. Paul, or the inhabitants thereof.

In witness whereof, the parties hereto have set their hands and seals the day and year above written.

WILLIAM WINDOM,
Secretary of the Treasury.

[North American Commercial Company. Incorporated December, 1889.]

NORTH AMERICAN COMMERCIAL COMPANY,
By I. LIEBES,
President of the North American Commercial Company.

Attest:
H. B. PARSONS,
Assistant Secretary.

CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA,
Treasury Department, July 30, 1892.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed table is a correct statement of the vessels seized in Bering Sea by officers of the United States pursuant to instructions of this Department.

In witness whereof I have hereunto set my hand and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.]

CHARLES FOSTER,
Secretary of the Treasury.

Table of vessels seized by revenue steamers of the United States in Bering Sea.

In the year 1876, the schooner *San Diego*, an American vessel, was seized for illegal sealing near Otter Island, by the Treasury agents in charge of the Pribilof Islands.

In the year 1884, the schooner *Adele*, a vessel sailing under the German flag, was seized for illegal sealing near St. Paul Island, by the United States Revenue Marine.

1886.

VESSELS SEIZED BY REVENUE STEAMER CORWIN, CAPT. C. A. ABBEY, COMMANDING.

No.	Date of seizure.	Nationality.	Rig.	Name.	Latitude N.	Longitude W.	Section of Revised Statutes under which seized.	No. of skins.
					° ′	° ′		
1	July 17	American.....	Schooner .	City of San Diego....	54 04	166 46	1955, 1956	577
2	Aug. 1	British	....do	Thornton.....	55 45	168 25	1956	493
3	Aug. 1	....do	....do	Carolina.....	55 30	168 10	1956	685
4	Aug. 2	....do	....do	Onward.....	55 10	167 40	1956	402
	Total.	.....	.....	.....	.....	.....	.....	2,067

1887.

VESSELS SEIZED BY REVENUE STEAMER BEAR, CAPT. M. A. HEALY, COMMANDING.

1	Aug. 25	American.....	Schooner .	Allie J. Algar.....	54 05	166 42	1956	1,594
2	Aug. 25	British.....	....do	Ada.....	54 06	166 20	1956	1,876
3	Sept. 2	American.....	....do	Sylvia Handy.....	54 12	166 53	1956, 1961	1,679
	Total.	.....	.....	.....	.....	.....	.....	5,149

1887. *(Continued.)*

VESSELS SEIZED BY REVENUE STEAMER RUSH, CAPT. L. G. SHEPARD, COMMANDING.

1	June 30	American	Schooner .	Challenge	Akoutan Island.		1961	151
2	July 2	British	Steam schooner	Anna Beck.....	54 58	167 26	1956	336
3	July 9	....do	Schooner .	W. P. Sayward.....	54 53	167 51½	1956	477
4	July 12	....do	Steam schooner	Dolphin	54 38	167 03	1955, 1956	618
5	July 16	American.....	Schooner .	Lillie L.....	55 46	170 38	1961, 1956	197
6	July 17	British	Steam schooner	Grace.....	55 03	168 40	1955, 1956	769
7	Aug. 6	American.....	Schooner .	Ellen	54 19	166 56	1956, 1961	195
8	Aug. 6	British	....do	Alfred Adams.....	54 42	167 20	1955, 1956	1,379
9	Aug. 6	American.....	....do	Annie	55 05	167 19	1955, 1956, 1961	304
10	Aug. 8	....do	....do	Alpha.....	56 55	169 40	1956, 1961	389
11	Aug. 8	....do	Steam schooner	Kate and Annie	57 07	169 51	1956, 1961	577
12	Aug. 18	....do	Schooner	San Jose.....	54 14	167 28	1956, 1961	891
	Total..	.....	.....	.....	.....	.....	.....	6,726

1889.

VESSELS SEIZED BY THE UNITED STATES REVENUE STEAMER RICHARD RUSH, CAPT. L. G. SHEPARD, COMMANDING.

1	July 11	British	Schooner .	* Black Diamond.....	56 22	170 25	1956	76
2	July 15	....do	....do	Minnie	55 11	165 55	1956	418
3	July 29	....do	....do	Pathfinder.....	57 24	171 55	1956	853
4	July 30	United States.	....do	James G. Swan	55 44	171 4	1956	171
5	July 31	British	....do	Juanita.....	55 42	170 40	1956	619
6	Aug. 6	....do	....do	* Lily	56 29	166 15	1956	334
	Total..	.....	.....	.....	.....	.....	.....	2,470

* Partly owned by American citizens.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 15, 1892.

The honorable the SECRETARY OF STATE:

SIR: In reply to your request therefor I have the honor to state that the records of this Department afford the following information in relation to the service of the Revenue Cutters in Alaskan waters since that Territory was ceded to the United States.

Early in June, 1867, before the formal transfer of the Territory was made by the Russian Government to the United States, the revenue steamer *Lincoln* was ordered to Alaska and sailed in July. She was in immediate command of Capt. J. W. White, while Capt. W. A. Howard, also of the Revenue-Cutter Service, had general charge of the expedition.

His instructions contemplated the securing of information which would aid in the proper protection of the revenues and the interests of the Government when the Territory became a part of the United States. The records fail to show the date on which the *Lincoln* returned to San Francisco, but it was prior to November 1st of that year.

March 20, 1868, Capt. J. W. White, then in command of the revenue steamer *Wayanda*, was ordered with his command on a cruise to Alaska "for the protection of those interests especially confided to your care as an officer of the Revenue-Marine Service by the laws of the United States and the regulations of this Department." The *Wayanda* sailed from San Francisco April 18, 1868.

During the season this vessel visited the islands of St. Paul and St. George for the purpose of preventing the killing of fur-bearing animals and returned to San Francisco November 6, 1868.

Early in 1869 Lieuts. Robert Henderson and W. B. Barnes, of the Revenue-Cutter Service, were ordered to the Pribilof Islands to prevent illicit traffic and the violation of the revenue laws with particular reference to the act of July 27, 1868, section 6, forbidding the killing of fur-seals.

On the same date, February 6, 1869, Capt. J. A. Henriques was ordered with the *Wayanda* into Alaskan waters from San Francisco. This order was modified on the 23d of February so as to place him in command of the *Lincoln* instead of the *Wayanda*. His orders were substantially the same as those to Captain White of the previous year, and the cruise covered the same ground.

During this season the revenue cutter *Reliance*, under command of Capt. James M. Selden, was stationed at Sitka.

Under date of March 31, 1870, Capt. James M. Selden was directed to cruise with the *Reliance* from Sitka to Unalaska, the seal islands, Norton and Kotzebue sounds.

On the 18th of April following the collector of customs at Sitka was instructed to direct Captain Selden to be particular to note vessels in the vicinity of the seal islands, and "those seized, giving names, dates, and *flag* and specifications of seizure."

May 25 of the same year the commanding officer of the revenue steamer *Lincoln*, Capt. C. M. Scammon, was ordered with his command on a cruise to the Aleutian Islands, Bering Sea, and the islands of St. George and St. Paul, with instructions to "protect the interests of the Government in those waters."

During the years 1871 and 1872 the Revenue Cutter *Reliance*, under the command of Capt. J. A. Webster, jr., was stationed at Sitka, and

during each season cruised as far to the westward as Unalaska and vicinity.

In 1873 and 1874 the same cutter was under the command of Capt. J. G. Baker, and during the summer seasons her station was Sitka. From this port she made voyages to the westward to Unalaska and vicinity, visiting the islands of St. Matthews, St. Lawrence, Univak, and St. Michaels.

On the 5th of May, 1875, Capt. C. M. Scammon, commanding the Revenue Cutter *Wolcott*, was ordered north to report to the collector of customs at Sitka, and that officer directed the vessel "to cruise in the waters adjacent to and within the Prince of Wales Archipelago."

During the year 1876 Alaska was not visited by any of the vessels of the Revenue-Cutter Service.

Vessels of the service were dispatched to Alaska each season from 1877 to 1887, inclusive, under orders "to enforce the provisions of law and protect the interests of the Government on the seal islands, at the sea-otter hunting grounds, and in Alaska generally. The commanding officer was clothed with full power to enforce the law as contained in section 1956 of the Revised Statutes prohibiting the killing of seal and other fur-bearing animals in the waters of Alaska; he was directed to seize all vessels and arrest and turn over to the proper authorities all persons found violating said law. Similar orders were issued for 1889 and 1890.

The following is an exhibit of the names of the vessels, the commanding officers, and dates of order and return to San Francisco or Port Townsend from 1877 up to 1892, inclusive:

Year.	Name of vessel.	Name of commanding officer.	Date of order.	Date of return.
1877	Rush	Capt. Geo. W. Bailey	Apr. 20	Nov. 7
1878	do	do	June 28	Oct. 27
1879	do	do	Apr. 21	Oct. 20
1880	Corwin	Capt. C. L. Hooper	June 19	Oct. 14
1881	do	do	Apr. 21	Oct. 21
1881	Rush	Lieut. M. A. Healy	Aug. 19*	Nov. 1
1882	Corwin	do	July 15	Nov. 15
1883	do	Capt. M. A. Healy	May 11	Oct. 8
1884	do	do	Apr. 18	Oct. 5
1885	do	do	Apr. 18	Oct. 12
1886	do	Capt. C. A. Abbey	May 28	Sept. 22
1886	Bear	Capt. M. A. Healy	Apr. 21	Oct. 21
1887	do	do	May 10	Oct. 1
1887	Rush	Capt. L. G. Shepard	May 28	Oct. 8
1888	do	do	June 26	Oct. 2
1888	Bear	Capt. M. A. Healy	May 16	Sept. 6
1889	Rush	Capt. L. G. Shepard	May 23	Oct. 3
1889	Bear	Capt. M. A. Healy	May 31	Oct. 31
1890	do	do	May 21	Nov. 30
1890	Rush	Capt. W. C. Coulson	May 22	Oct. 15
1890	Corwin	Capt. C. L. Hooper	Aug. 16	Oct. 3
1891	Rush	Capt. W. C. Coulson	May 9	Dec. 15
1891	Bear	Capt. M. A. Healy	May 25	Dec. 19
1891	Corwin	Capt. C. L. Hooper	June 10	Oct. 10
1892	do	do	Mar. 19	
1892	Albatross	Lieut. Commander Z. L. Tanner	Mar. 19/ Apr. 26	
1892	Rush	Capt. W. C. Coulson	Apr. 26	
1892	Bear	Capt. M. A. Healy	Apr. 29	

*Sailed.

Respectfully yours,

CHARLES FOSTER,
Secretary.

No. 2015.

UNITED STATES OF AMERICA.

DEPARTMENT OF STATE.

To all whom these presents shall come, greeting:

I certify that a proclamation, of which the annexed is a true copy, was issued by the President of the United States in the year 1889, and that a proclamation of similar purport was issued by him in each of the following years, to wit: 1890, 1891, and 1892.

In testimony whereof I, John W. Foster, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this 30th day of July, A. D. 1892, and of the Independence of the United States of America the one hundred and seventeenth.

[SEAL.] JOHN W. FOSTER.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

The following provisions of the laws of the United States are hereby published for the information of all concerned:

Section 1956, Revised Statutes, chapter 3, title 23, enacts that "No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both, and all vessels, their tackle, apparel, furniture and cargo, found engaged in violation of this section shall be forfeited, but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe, and it shall be the duty of the Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section."

* * * * * * *

Section 3 of the act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved March 2, 1889, provides that:

SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring Sea, and it shall be the duty of the President at a timely season in each year, to issue his proclamation, and cause the same to be published for one month at least in one newspaper (if any such there be) published at each United States port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein.

Now therefore I, Benjamin Harrison, President of the United States, pursuant to the above recited statutes, hereby warn all persons against entering the waters of Behring Sea, within the dominion of the United

States, for the purpose of violating the provisions of said section 1956, Revised Statutes; and I hereby proclaim, that all persons found to be, or have been engaged in any violation of the laws of the United States, in said waters, will be arrested and punished as above provided, and that all vessels so employed, their tackle, apparel, furniture, and cargoes will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-first day of March, one thousand eight hundred and eighty-nine, and of the Independence of the United States the one hundred and thirteenth.

[SEAL.] BENJAMIN HARRISON.

By the President,

JAMES G. BLAINE,

Secretary of State.

DECISIONS OF THE UNITED STATES COURTS.

UNITED STATES VS. GUTORMSON AND NORMAN.

[District court, Alaska.]

Charge to the jury delivered in 1886 defining the rights and jurisdiction of the United States to Bering Sea, and explaining the law in relation to the destruction of fur-bearing animals.

DAWSON, J.

GENTLEMEN OF THE JURY: You are called upon to determine or rather to find the facts in a controversy of unusual importance.

The information preferred and filed by the district attorney, based upon the affidavit of the commander of the United States revenue-cutter *Corwin*, charges the defendants with having killed a certain number of seals and other fur-bearing animals, and appropriating the skins of such animals, in the waters of Alaska, contrary to the provisions of section 1956 of the Revised Statutes. It is the duty of the court to instruct the jury as to the law applicable to the facts of this case as developed by the evidence, and it is your duty as jurors acting under the solemn obligation of an oath, and as one of the instrumentalities designated by the law to aid in its enforcement, to obey, and in your deliberations observe the instructions given you by the court.

For the purpose of aiding you in your deliberations, I will define to you the western boundary line of Alaska as designated and set forth in the treaty of March 30, 1867, between the Government of the United States, on the one part, and by His Majesty the Emperor of all the Russias, acting through his envoy extraordinary and minister plenipotentiary to the United States, on the other. Article one of that treaty defines the western boundary as follows:

"The western limit within which the territories and dominion conveyed are contained passes through a point in Berings Straits on the parallel of sixty-five degrees thirty minutes north latitude at its intersection by the meridian which passes midway between the islands of Krusenstern and Ignalook, and proceeds due north without limitation into the same frozen ocean.

"The same western limit, beginning at the same initial point, pro-

ceeds thence in a course nearly southwest through Berings Straits and Berings Sea so as to pass midway between the northwest point of the island of St. Lawrence and the southwest point of Cape Chaukotski to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attu and the Copper Island of the Kounavdoski couplet or group in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of the meridian."

All the waters within the boundary set forth in this treaty to the western end of the Aleutian Archipelago and chain of islands are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals must therefore attach against any violation of law within the limits before described.

If, therefore, the jury believe from the evidence that the defendants by themselves, or in conjunction with others, did, on or about the time charged in the information, kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal or animals, on the shores of Alaska or in Bering Sea, east of the one hundred and ninety-third degree of west longitude, the jury should find the defendants guilty.

You are further instructed, gentlemen, as a matter of law, that an accessory is one who stands by and aids, abets, or assists, or, who not being present aiding, abetting, or assisting, has advised or encouraged others to perpetrate the act charged in the information, such a person is to be considered a principal; and if you believe from the evidence that the defendants were associated with other persons who were engaged in killing any of the animals herein mentioned, and that they gave aid and encouragement to such persons by word, sign, or gesticulation, while they were engaged in such unlawful enterprise, then the jury should find them guilty, and assess their punishment as hereinbefore set forth.

The jury are further instructed, as a matter of international law, that it makes no difference that one or both of the accused parties may be subjects of Great Britain. Russia had claimed and exercised jurisdiction over all that portion of Bering Sea embraced within the boundary lines set forth in the treaty, and that claim had been tacitly recognized and acquiesced in by the other maritime powers of the world for a long series of years prior to the treaty of March 30, 1867.

By the terms of that treaty the United States acquired all the rights of occupancy, jurisdiction, and control of the waters of Bering Sea that had been exercised and enjoyed by Russia, east of the one hundred and ninety-third degree, west longitude, prior to the exchange and ratification of the treaty of March 30, 1867, and acquired absolute control and dominion over all rivers which flow through the Territory of Alaska, and the seacoast adjoining it or any of the islands embraced within the treaty and the navigable waters included in all bays and between headlands and arms of the sea joining the Territory, and British vessels manned by British subjects had no right to navigate the waters before described for the purpose of killing any of the fur-bearing animals heretofore designated.

The jury are further instructed that on the 3d day of August, 1870, the United States, through its acting Secretary of the Treasury, in pursuance of an act of Congress approved July 1, 1870, entitled "An act to prevent the extermination of fur-bearing animals in Alaska,"

entered into a contract of lease, and by said contract did lease to the Alaska Commercial Company, a corporation duly established and incorporated under the laws of the State of California for the term of twenty years from the first day of May, 1870, the right to engage in the business of taking fur seals on the islands of St. George and St. Paul within the Territory of Alaska, and that public law implies an obligation upon the United States to protect its lessees in the legitimate use of the franchise conferred in said lease, and the capture of the defendants with the vessels under their charge and control in the waters and within the boundary lines set forth in this charge was lawful, and that it was lawful for the Secretary of the Treasury to direct and order the seizure of such vessels, their masters, mates, and crews, when found violating the law within the waters of Alaska.

The admission of the defendants that they were killing fur-bearing animals in that portion of Bering Sea which is within the boundary line set forth in the treaty, as shown by the evidence, are to be taken against them, and although such admissions are to be taken together as a whole, the jury are not bound to regard all parts of them with equal confidence; the fact that the admissions are against their interests or in their favor, their improbability, inconsistency, contradictions, and corroboration by other facts in proof are circumstances proper to be considered by the jury in determining the weight to be given to such admissions. And if the jury believe from the evidence that the defendants or either of them were in charge of the schooner *Thornton* and had in their employ men furnished with small boats and firearms or other instruments or implements for the purpose of killing any of the fur-bearing animals mentioned in the information, and that they admitted they were engaged in that business, or when being accused they remained silent, or if dead seals were found in their possession which had recently been killed, the jury will be warranted in presuming that they were killed under the direction and at the command of the defendants.

District Court of Alaska.

Opinion of Judge Dawson, Alaskan Reports, Vol. I, pp. 53 to 61, in the case of "The British Schooner." Filed in the district court of Alaska, October 11, 1887, in the cases of the *Dolphin*, *Anna Beck*, *Grace* and *Ada*.

DAWSON, J.

The libel of information in the case of the schooner *Dolphin* is similar to the informations filed against the other schooners named, and alleges that on the 12th day of July, 1887, the commanding officer of the United States revenue cutter *Rush* seized the schooner *Dolphin* in that portion of Bering Sea which was ceded to the United States by Russia in the treaty of March, 1867. That said schooner was violating section 1956 of the Revised Statutes in relation to the protection of seal life in the waters of Alaska. To the libel of information the Queen's counsel of British Columbia filed a demurrer, alleging that the district court of Alaska had no jurisdiction over the subject-matter of the action, for the reason that the schooner was more than 1 marine league from the shore when seized, and that the act of Congress of July 27, 1868, is unconstitutional, in that it restricts free navigation of the Bering Sea for sealing purposes. A stipulation, signed by the Queen's coun-

sel, Mr. M. W. T. Drake, upon the part of the British owners, and Mr. A. K. Delaney upon the part of the United States, was filed, in which it was agreed and conceded that the masters of the vessels named were taking fur seals in that portion of Bering Sea which is claimed by the United States under the treaty with Russia of March, 1867.

The issue as presented involves an examination of a most pertinent and critical question of international law. It will be necessary to ascertain, first, the right of the Imperial Government of Russia to the Bering Sea anterior to the treaty of March, 1867, and for information upon this subject I am largely indebted to Mr. N. L. Jeffries for a collection and citation of authorities and historical events, and for the want of books at my command upon this question, I am compelled to rely for historical facts upon his carefully prepared brief. From this elaborate brief I glean the following facts:

The Sea of Kamstchatka, or Bering Sea, is a large estuary of the North Pacific Ocean or bay, and from the date of its discovery until the cession of Alaska to the United States was bordered on all sides by the territory of Russia, except the straits at the north leading to the Frozen Ocean, and the outlet in the southwest into the North Pacific.

In the early part of the eighteenth century Peter the Great, of Russia, directed the fitting out of an exploring expedition to determine whether the continent of Asia and America joined, or were separated by the sea; also to discover if there were not an American Russia, as there was already an Asiatic and European Russia.

The expedition was commanded by Captain Bering, who set out from St. Petersburg, accompanied by officers, seamen, and shipbuilders, on the 5th of February, 1725, and after a perilous journey through Northern Siberia he reached Kamtchatka, whence he sailed on the 20th of July, 1728, in a vessel named the *Gabriel*, which had been built at Kamtchatka in accordance with instructions drawn up by the Emperor.

The first land discovered was the island of St. Lawrence, which he named in honor of the saint on whose day it was discovered. He continued northward until he reached what he supposed was the northeastern extremity of Asia, and was satisfied that the two continents were separated by the sea. Returning to St. Petersburg after passing through the sea and straits which bear his name, with the fixed opinion that there was a large body of land to the eastward, he aroused the spirit of discovery and induced his Government to continue the explorations. He was created an admiral and placed in command of a new expedition; the Senate, the Admiralty, and the Academy of Science all united in aiding and encouraging the enterprise. This expedition, like the former, made the long and dreary journey across northern Asia and the Sea of Okhotsk to Kamtchatka.

On the 4th of June, 1741, two well-appointed ships, the *St. Paul* and *St. Peter*, sailed in quest of new discoveries. On the 18th of July Bering first saw the continent of America, in latitude 50° 28′. (See Muller's Voyages from Asia to America; Steller's Diary, p. 190.)

According to his instructions, after reaching the American coast he was to steer southward to the forty-fifth parallel, and then return to the north, crossing back to Asia at Bering Strait. (Bancroft's History of Alaska, p. 54.)

During this expedition Bering sailed as far south as forty-five degrees north latitude, and after making many discoveries his ship was finally wrecked near the island which bears his name, and on which he died on the 8th of December, 1741.

The enterprising spirit of Russian merchants and traders even in

Siberia was awakened by the accounts given of the industries that might be created and the innumerable fur-bearing animals which inhabited the waters and islands in and adjacent to what is now known as Bering Sea. Owing to a conflict of interests, disorder, and a wanton destruction of seal life in the waters and on the islands of the new discoveries, an imperial ukase was issued bearing date of December 27, 1799, by which the right of fishing, hunting and trading was conferred upon what was designated the "Russian American Company." In the ukase of that date Russia asserted a distinct claim, by right of discovery, to the western part of America, beginning from the fifty-fifth degree of north latitude, and of the chain of islands extending from Kamtchatka to the north to America and southward to Japan. Authority was also given to the company to have exclusive use of all hunting grounds and establishments then existing on the northeastern (western) coast of America, from the fifty-fifth degree of north latitude to Bering Straits, and also on the Aleutian, Kurile, and other islands situated on the northeastern ocean, and to make new discoveries not only north of the fifty-fifth degree of north latitude, but farther to the south, and to occupy the new lands discovered as Russian possessions. It will be observed from the foregoing that Russia claimed the exclusive right and dominion of the Sea of Kamtchatka, now known as Bering Sea, by right of discovery, and for the further reason that the sea was bounded by Russia's Asiatic coast on the west, to Bering Straits on the north, and on the American continent as far east as British possessions, and south to 54° 40′ north latitude, and was essentially landlocked by Russian territory.

Now, in relation to this question of title acquired by discovery, our own court of last resort has held, in the case of Johnson *v.* McIntosh (8 Wheat., 572), Marshall, C. J., delivering the opinion, that, "On the discovery of this immense continent the great nations of Europe were eager to appropriate to themselves so much of it as they could acquire. * * * But as they were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements and subsequent war with each other, to establish a principle which all should acknowledge as the law by which the right of acquisition which they all asserted, should be regulated as between themselves. This principle was, that the discovery gave title to the Government by whose subjects, or by whose authority it was made, against all other European governments, which title might be consummated by possession. The exclusion of all other Europeans necessarily gave to the nation making the discovery the sole right of acquiring the soil from the natives, and establishing settlements upon it. It was a right with which no European could interfere. It was a right which all asserted for themselves, and to the assertion of which by others all assented." * * * (See Wharton's Digest International Law, Vol. I, § 2.)

Chancellor Kent says: "All that can be reasonably asserted is, that the dominion of the sovereign of the shore over the contiguous sea extends as far as is requisite for his safety and for some lawful end." (First Kent's Commentaries, p. 28.)

Vattel says: "A nation may appropriate to herself those things of which the free and common use would be prejudicial or dangerous to her. This is a second reason for which governments extend their dominion over the sea along their coasts, as far as they are able to protect their rights." (See Vattel's Law of Nations, 127.)

Supplementing the principle enunciated by Chief Justice Marshall *supra* with the rule as stated by Kent and Vattel, can there longer

exist a doubt as to Russia's title to the Bering Sea and the extended group of the Aleutian Islands?

The Queen's counsel lays much stress in his argument upon the fact that both the United States and Great Britain treated with Russia (the United States in 1824, and Great Britain in 1825) in relation to the free use of the waters of the Bering Sea, and it is claimed that by these treaties the sea was thrown open as the common property of mankind. But an examination of these treaties and the objects in view by the three great powers fails to warrant the conclusion reached in the argument. The principal parts of the treaty between the United States and Russia, the treaty between Great Britain and Russia being similar, are thus set forth by Professor Wharton. (See First International Law Digest, § 32):

ARTICLE 1. It is agreed that, in any part of the great ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not always have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ART. 2. With a view of preventing the rights of navigation and of fishing exercised upon the great ocean by the citizens and subjects of the high contracting powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the northwest coast.

ART 3. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none founded by Russian subjects, or under the authority of Russia, south of the same parallel.

ART. 4. It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ART. 5. All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article, and the two powers engage, reciprocally, neither to sell nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint, towards the merchants or the crews who may carry on this commerce; the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

Nations, like individuals, have the right of contracts, and their

treaties are subject to the same rules of interpretation and of morality which govern in municipal law. (First Bouvier Law Dictionary, 741.)

"Estoppel" in law is a term, the etymology of which implies the preclusion of a person from asserting a fact by previous conduct, inconsistent therewith, on his own part or on the part of those under whom he claims. It is in law a prohibition which denies a man the right of alleging or denying a fact in which he has with a full knowledge long acquiesced (Stephens' Plead., 239; see Vattel on the Law of Nations, § 286 and § 294). Applying this rule the conclusion can not be escaped that in consequence of the acquiescence of Great Britain in the claim, jurisdiction, and dominion of Russia to what is now known as Bering Sea since the expiration of the treaty of Russia and Great Britain in 1825, which was to exist ten years, Great Britain and her Dominion Government, of which British Columbia is a part, are estopped from any claim of right or privilege of taking fur-bearing animals in Bering Sea east of the line mentioned as our western boundary in the treaty, and which is recognized as the line dividing the continents of Asia and North America. .

The western boundary line of the United States as agreed upon by the United States and Russia in the treaty of March, 1867, is as follows:

The western limit within which the territories and dominion conveyed are contained passes through a point in Bering's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north without limitation into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest through Bering's Straits and Bering's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian. (See Public Treaties, p. 672.)

The courts have the same right and power when called upon to interpret a public treaty to derive aid from contemporaneous interpretation, and by ascertaining the intention of those whose duty it is, under the Constitution, to make treaties as they have in the interpretation of any other law. What then was the object in purchasing Alaska? Manifestly to extend our northwest boundary line so as to include the whole group of the Aleutian Islands.

Senator Sumner, who was chairman of the Committee on Foreign Affairs in the Senate of the United States at the time of the Alaska purchase, and after the boundary line had been agreed upon, defined it as follows:

"Starting from the Frozen Ocean the western boundary descends Bering Straits midway between the two islands of Krusenstern and Ratmanoff, to the parallel of 65° 30′, just below where the continents of America and Asia approach each other the nearest; and from this point it proceeds in a course nearly southwest through Bering Straits, midway between the island of St. Lawrence and Cape Choukotski, to the meridian of 172° west longitude, and thence in a southwesterly

direction, traversing Bering Sea midway between the island of Attou on the east and Copper Island on the west, to the meridian of 193° west longitude, leaving the prolonged group of the Aleutian Islands in the possessions now transferred to the United States, and making the *western boundary of our country the dividing line* which separates Asia from America. In the Aleutian range, besides innumerable islets and rocks, there are not less than fifty-five islands exceeding 3 miles in length; there are seven exceeding 40 miles, with Ounimak, which is the largest, exceeding 73 miles. *In our part of Bering Sea* there are five considerable islands, the largest of which is St. Lawrence, being more than 96 miles long." (See Ex. Doc. No. 177, Fortieth Congress, second session, p. 125.) Indicating most clearly what was the understanding in the United States Senate at the time as to our western boundary.

Subdivision 2 of section 2 of the Constitution in defining the powers of the President, says: "He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." * * *

Judge Story, in considering this clause of the Constitution, says: "It will be observed from this that the power to make treaties is by the Constitution general, and, of course, it embraces all sorts of treaties for peace or war, for commence or territory." * * * (See Story on the Constitution, §1508, and authorities there cited.)

It is argued that this question belongs to the political department of the Government and that it should be there adjusted, but this position is, I think, wholly untenable, at least at this stage of the controversy.

The second clause of the sixth article of the Constitution declares that: "This Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land. And the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

Judge Story, in commenting on this section, forcibly says: "The propriety of this clause would seem to result from the very nature of the Constitution. If it was to establish a national government, that government ought, to the extent of its powers and rights, to be supreme. It would be a solecism to affirm that a national government should exist with certain powers, and yet that in the exercise of those powers it should not be supreme.

"In regard to treaties, there is equal reason why they should be held when made to be the supreme law of the land. It is to be considered that treaties constitute solemn compacts of binding obligation among nations; and unless they are scrupulously obeyed and enforced, no foreign nation would consent to negotiate with us; or, if it did, any want of strict fidelity on our part in the discharge of the treaty stipulations would be visited by reprisals of war. It is, therefore, indispensable, that they should have the obligation and force of a law, that they may be executed by the judicial power and be obeyed like other laws." (See Story on the Constitution, sec. 1838.)

Congress recognized the right of the United States to the whole of the new acquisition by appropriating $7,200,000 to pay for the new territory, and on the 27th day of July, 1868, extended the laws of the United States relating to customs, commerce, and navigation over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia. (See Revised Statutes, sec. 1954.)

Showing unmistakably the understanding of the Government at the time as to what had been acquired, and that our boundary line was located at the one hundred and ninety-third degree of west longitude. The longitude of a place is the arc of the equator intercepted between the meridian passing through that place and some assumed meridian to which all others are referred. Different nations have adopted different meridians. The English reckon from the Royal Observatory at Greenwich; the French from the Imperial Observatory at Paris, and the Germans from the observatory at Berlin, or from the island of Ferro. In the United States we sometimes reckon longitude from Washington and sometimes from Greenwich. (See Loomis' Elements of Astronomy.) But in establishing the western boundary line of Alaska the reckoning of longitude was from Greenwich, which reaches the line dividing the continents of Asia and North America. (See article 1 of the Treaty of March, 1867.)

The purchase of Alaska was unquestionably made with a view to the revenues to be derived from the taking of fur-seal in the waters of Bering Sea, and especially on the islands of St. Paul and St. George, both of which were by act of Congress of March 3, 1869, made "a special reservation for Government purposes." (See 15th Statute, 248.) Secretary Seward was a skilled diplomat, a learned man in statecraft, and he evidently foresaw the income to be derived by the Government from the seal industry on and adjacent to those islands. Hence in the negotiation he insisted upon and Russia conceded that our boundary line should be extended to the meridian named in the treaty. The industry and consequent revenues would be hopeless without the residuary power of the United States to protect and regulate the taking of fur-bearing animals in that part of our domain. The effort of the United States to seize and drive out the illicit piratical craft that have been navigating those waters for years, indiscriminately slaughtering fur-bearing animals, the continuation of which can but result in the wanton destruction of the rookeries, the most valuable in the world, is a legitimate exercise of the powers of sovereignty under the law of nations, with which no nation can lawfully interfere. The question of the constitutionality of the act of Congress of July 27, 1868 (Revised Statutes, p. 343), scarcely deserves notice, since it has been sustained by this court. (See United States *v.* Nelson, 29th Federal Reporter, p. 202. See same case affirmed by the United States circuit court for Oregon, Weekly Federal Reporter of April 19, p. 112. See also The Louisa Simpson, 2 Sawyer.)

The conclusion I have reached is that the demurrer must be overruled, and it is so ordered; and that judgment of forfeiture to the United States be entered against each of the vessels separately, together with their tackle, apparel, furniture, and cargoes, saving to the masters and mates their private property, such as nautical instruments and the like, and that a stay of proceedings for ninety days be granted as per stipulation filed.

UNITED STATES VS. SCHOONER JAMES G. SWAN, ETC.

[United States District Court, District of Washington, Northern Division.]

OPINION FILED MARCH 26, 1892.

HANFORD, J.

Fur-seals in great numbers habitually make annual visits to the Pribilof Islands, in Bering Sea, affording to the native inhabitants their

means of living. The flesh of the animals being their principal article of food, and seal skins being the only commodity of commercial value obtainable by their industry. Previous to the acquisition of Alaska by our Government the preservation of these animals from indiscriminate slaughter and extermination was by the Russian Government deemed necessary for the subsistence of said inhabitants and accordingly authority over all of Bering Sea for the protection of fur-seals therein from destruction by persons other than said inhabitants was assumed. The Emperor of Russia also asserted authority over Bering Sea by assuming to transfer to the United States certain territory and dominion with definite boundaries including a large part thereof; and the United States by the ratification of the treaty and consummation of the purchase of said territory acquired a claim of right to exercise the authority and sovereignty over that portion of the sea which had been theretofore exercised by Russia. Our Government asserted its authority to restrict the killing of seals in all the waters included within the boundaries described in the treaty very promptly after the formal transfer of the territory. At the first session of Congress thereafter a statute was passed, entitled, "An act to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes." The first section of said act (now section 1956 Rev. Stat.), declares that, "The laws of the United States relating to customs, commerce, and navigation are extended to and over the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by a treaty concluded at Washington on the thirtieth day of March, Anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto." (15 U. S. Statutes 240.) The sixth section in terms prohibits the killing of fur-seals within the limits of *said territory or in the waters thereof*, and further provides that all vessels found engaged in violatien of the said act shall be forfeited. The first section above quoted is without change ot phraseology incorporated into the Revised Statutes, but the sixth section, which is section 1956 of the Revised Statutes, is therein changed so as to refer to Alaska Territory and the waters thereof by substitution of the name "Alaska" for the word "said" preceding the word "territory."

For about one century preceding the year 1885 the validity of the laws of Russia and of the United States respectively, for the preservation of fur-seals in Bering Sea, remained unchallenged. And it is a matter of common knowledge that since the year 1885 instances of poaching by sealing vessels in Bering Sea have been greatly multiplied, and that there has been on the part of officers of the United States charged with the duty of enforcing the above statutes a corresponding increase of efforts to prevent such depredations. A large number of arrests and seizures were made between 1885 and 1889 on the assumption that said laws were effective and applicable throughout the entire extent of the territory and waters including the portion of Bering Sea within the boundaries of the territory and dominion ceded by the Emperor of Russia. From said arrests and seizures and the consequent prosecutions questions arose as to the proper construction or interpretation of section 1956, and as to the extent of our national jurisdiction over Bering Sea. Thereupon, on March 2, 1889, Congress passed an act giving a legislative construction to said section, declaring it to include and be applicable to all the dominion of the United States in the waters of Bering Sea (25 U. S. Statutes, p. 1009, Sec. 3). Effect must be

given to these statutes according to the intention of Congress, which is to be ascertained from the words used and consideration of the course of legislation on the subject, and the facts and circumstances known to have been operative in inducing such legislation. Now, considering the several statutory provisions and the historical facts above recited, and keeping in mind section 1954, which must govern the interpretation of other statutes, referring to the dominion of the United States in Bering Sea, I am constrained to hold that the killing of fur-seals anywhere within the boundaries defined by the treaty referred to in said section is unlawful; and that vessels found within said boundaries engaged in that business are subject to seizure and condemnation as forfeited to the United States.

There is a question, however, as to the validity of these statutes. On the part of the defense it is contended that the criminal laws of the United States can have no force upon the sea beyond the limits of national jurisdiction, which by the law of nations can not extend beyond the range of cannon shot from the shore; and, therefore, the Government has no power to prohibit fishing or the taking of animals which are *ferra naturæ* in the open sea, which is common and free to the inhabitants of all nations.

National dominion and sovereignty may be extended over the sea as well as over land. Should circumstances render it necessary, a nation having the power to do so, may assert its dominion over the sea beyond the limits heretofore admitted by the powers of the earth to be lawful. "It is probably safe to say that a State has the right to extend its territorial waters from time to time at its will with the now increased range of its guns, though it would undoubtedly be more satisfactory that an arrangement on the subject should be arrived at by common consent." (1 Wharton's Digest of International Law, p. 114, from Hall's International Law, 127.)

As our Government is constituted the President and Congress are vested with all the responsibility and powers of the Government for determination of questions as to the maintenance and extension of our national dominion. It is not the province of the courts to participate in the discussion or decision of these questions, for they are of a political nature and not judicial. Congress and the President having assumed jurisdiction and sovereignty, and having made the declarations and assertions as to the extent of our national authority and dominion above indicated, and having by a treaty with Russia established an international boundary line including a portion of Bering Sea, all the people and the courts of the country are bound by such governmental acts, declarations, and assertions, and by the treaty; and the responsibility of maintaining the national authority within the boundaries so fixed, and to the extent asserted by executive and legislative authority, against foreign governments rests with the executive and legislative branches of the Government. In the opinion of the Supreme Court in the case of Jones *vs.* The United States (137 U. S., 202), written by Mr. Justice Gray, the law is thus stated: "Who is the sovereign *de jure* or *de facto*, of a territory is not a judicial but a political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges as well as all other officers, citizens, and subjects of that Government. This principle has always been upheld by this court and has been affirmed under a great variety of circumstances (Gelston *vs.* Hoyt, 3 Wheat., 246, 324; United States *vs.* Palmer, 3 Wheat., 610; The Divina Pastora, 4 Wheat., 52; Foster *vs.* Neilson, 2 Pet., 253, 307; Keene *vs.* McDonough, 8 Pet.,

308; Garcia *vs.* Lee, 12 Pet., 511, 520; Williams *vs.* Suffolk Ins. Co., 13 Pet., 415; United States *vs.* Yorba, 1 Wall., 412, 423; United States *vs.* Lynde, 11 Wall., 632, 638). It is equally well settled in England. (The Pelican, Edw. Adm. a px. D.; Taylor *vs.* Barclay, 2 Sim., 213; Emperor of Austria *vs.* Day, 3 DeG., F. & J., 217, 221, 233; Republic of Peru *vs.* Peruvian Guano Co., 30 Ch. D., 489, 497; Republic of Peru *vs.* Drayfus, 38 Ch. D., 356, 359). All courts of justice are bound to take judicial notice of the territorial extent of the jurisdiction exercised by the Government whose laws they administer, or of its recognition or denial of the sovereignty of a foreign power, as appearing from the public acts of the legislature and executive, although those acts are not formally put in evidence nor in accord with the pleadings. (United States *vs.* Reynes, 9 How., 127; Kennett *vs.* Chambers, 14 How., 38; Hoyt *vs.* Russel, 117 U. S., 401, 404; Coffee *vs.* Grover, 123 U. S., 1; State *vs.* Dunwell, 3 R. I., 127; State *vs.* Wagner, 61 Maine, 178; Taylor *vs.* Barclay, and Emperor of Russia *vs.* Day, above cited, 1 Green 1, Ev., 6.)

It has been further contended on the part of the defense that this vessel was especially privileged to engage in the sealing business in Bering Sea by reason of the fact that her owner and crew of Indians are of the Makah tribe, and by virtue of the treaty made with said tribe of Indians, whereby "the rights of taking fish and of whaling and sealing at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the United States and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed land." (12 U. S. Statutes, 940.) It is obvious, however, from the language above quoted, that the treaty secures to the Indians only an equality of rights and privileges in the matter of fishing, whaling, and sealing. The guaranty is of rights in common with all citizens of the United States, and certainly such treaty stipulations give no support to a claim for peculiar or superior rights or privileges denied to citizens of the country in general.

A decree of forfeiture as prayed for in the libel of information will be entered.

C. H. HANFORD,
Judge.

NOTES ON THE FUR INDUSTRY OF BERING SEA AND THE ADJOINING REGIONS.

From the discovery of the Aleutian Islands in 1741 until the year 1783 the operations of the Russian fur hunters and traders were confined exclusively to the islands, coasts, and waters of Bering Sea. It was not until after the establishment of the first permanent settlement on the islands of Kadiak in 1783 that the initiatory steps were taken toward extending the business to the mainland of North America. On the extent and value of the operations on the Aleutian Islands and in Bering Sea during these first forty years but few figures can now be had. Reliable data are, however, found in the work of Lieut. Vassili Berg, of the Russian navy, who commanded several vessels belonging to the Russian American Company in the course of the first two decades of the present century. Berg had access to the custom-house records at Petropavlovsk, Okhotsk, and other ports, at which incoming furs were counted and a royalty paid to the Government. This system was in vogue until the establishment of the Russian American Company in 1799. According to Berg the catch of sea-otters between the years 1745 and 1796 is placed at 58,618,[1] and that of fur-seals from the date of the discovery of the islands to the year 1796 at 417,758,[1] which latter figure represents probably not more than one-quarter of the number killed, as, owing to the crude processes of treating the skins, fully three-quarters were spoiled before they could be brought to market.

The following extract from Berg's Chronological History[2] throws much light upon the early state of the fur trade in and about Bering Sea: "In regard to the furs imported by the various companies from 1745 to 1823 the reader should be informed that the valuation of the cargoes was not always equal to the real value of the furs. This was due to the devices resorted to by some shipowners to lessen the amount of royalty.

* * * * * * *

"In looking over the list of furs imported by any vessel we can determine how far its voyage extended. Blue foxes indicate that the hunting was done on the Bering Islands; black foxes that the vessel reached Unalaska, Umnak, and Unimak. Land-otters and beavers were obtained from the Aliaska Peninsula.

"A large shipment of fur-seals indicated that the ship had been to the islands of St. Paul and St. George. These islands, discovered in 1785, yielded in a short time more than a million fur seal skins, and they still abound in the animals. There were cases, however, where during heavy northerly gales as many as 50,000 fur-seals and 5,000 walrus were driven to the nearest Aleutian islands. In 1776 a multitude of fur-seals were driven to the islands of Atka and Amlia. The ship *Prokopy*, which was hunting there, brought about 40,000 skins to Okhotsk.

* * * * * * *

[1] See Table 1, Berg's appendix.
[2] Pages 165–167.

"From an examination of the tables of furs imported by the various companies from 1743 to 1823 it appears that within a period of eighty years their numbers, including Government tribute, were as follows:

Fur-seals	2,324,364	Beavers	58,729
Sea-otters	200,839	Cross foxes	44,904
Otter tails	143,689	Black foxes	30,158
Blue foxes	108,865	Land-otters	22,807
Red foxes	57,638	Sables	18,121

* * * * * * *

"The tables of the importations of private companies show that the cargoes of their various vessels were valued at 7,000,000 rubles, but to this we must add at least 2,000,000 rubles, because the value of cargoes of seven vessels which made long voyages is not given for want of record, and it may be safely assumed that at least ten more made voyages of which no record exists. The furs imported by the Shelikof Company were appraised at 1,500,000 rubles. The cargoes brought by the vessels of the Russian American Company were worth 35,500,000 rubles.[1] Thus there were obtained by Russian hunters and traders in eighty years from the Aleutian Islands, and the coast immediately adjoining, furs to the value of 46,000,000 rubles.[1] Of all this quantity of furs more than half was traded off with the Chinese at Kiakhta, and the Government received in duties from this trade more than 10,000,000 rubles.[2] In addition the Government received large numbers of skins as tribute from natives. From every cargo of the early private companies one-tenth was set aside for the Government, and the number of sea-otters alone thus secured from 1745 to 1799 was 12,000, worth 720,000 rubles at the low price then prevailing."

The seal catch at the Pribilof Islands between 1817 and 1837 is illustrated by the following table compiled by Veniaminof:[3]

TABLE I IN PART II *of Veniaminof's "Notes on the Islands of the Unalaska District," showing the seal-catch during the period of gradual diminution of life on the Pribilof Islands, from 1817 to 1837.*

Taken from—	1817.	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.
St. Paul Island	47,860	45,932	40,300	39,700	35,750	28,150	24,100	19,850	24,600	23,250	17,750
St. George Island	12,328	13,924	11,925	10,520	9,245	8,319	5,773	5,550	5,500	.....	.....
Total	60,188	59,856	52,225	50,220	44,995	36,469	29,873	25,400	30,100	23,250	17,750

Taken from—	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.
St. Paul Island	18,450	17,150	15,200	12,950	13,150	13,200	12,700	4,052	4,040	4,220
St. George Island	4,778	3,661	2,834	3,084	3,296	3,212	3,051	2,528	2,550	2,582
Total	23,228	20,811	18,034	16,034	16,446	16,412	15,751	6,580	6,590	6,802

Grand total for St. Paul Island	464,259
Grand total for St. George Island	114,660
Total catch during nineteen years of diminution	578,919

[1] These were silver rubles.

[2] In regard to the fur trade with China see also Coxe, pp. 354-357, and House Ex. Doc. 177, pp. 145, 178.

[3] See appendix to his "Notes on the Islands of the Unalaska District."

The value of skins from the Unalaska district during the year 183 (at which time fur-seal skins were scarce) is illustrated by the following table[1] compiled by the same person:

	No. of skins.	Price per skin. Paper rubles.	Sum of value. Paper rubles.
Sea-otters	100	450	45,000
Black foxes	300	150	45,000
Cross foxes	600	25	15,000
Red foxes	500	10	5,000
Land-otters	80	50	4,000
Fur-seals	15,000	50	750,000
Blue foxes	1,500	10	15,000
Walrus ivory	100 poods.	80	8,000
Whalebone	200 poods.	40	8,000
Miscellaneous furs			1,000
Sum total			896,000

Tikhmenief publishes two main tables[2] showing the numbers of all furs exported from the Russian American Colonies between the years 1821 and 1862.

Following are the data contained in the first table, which covers the period from 1821 to 1842:

Sea-otters	25,416	Bears	5,355
Sea-otter tails	23,506	Lynxes	4,253
Fur-seals	458,502	Wolverines	1,564
Whalebone, poods	[3]3,455	Weasels	15,481
Land-otters	29,442	Sables	15,666
Foxes (brown, gray, and red)	90,322	Muskrats	4,491
Walrus ivory, poods	6,501	Wolves	201
Beavers, do	[4]162,034	Castoriums, poods	[5]124
Blue foxes	69,352		

Following are the data contained in the second table, which covers the period from 1842 to 1862:

Sea-otters	25,899	Wolves	24
Foxes	77,847	Muskrats	3,570
Blue foxes	54,134	Wolverines	10
Fur-seals	372,894	Minxes	872
Beavers	157,484	Castoriums, poods	[6]103
Land-otters	70,473	Walrus ivory, do	[7]765
Lynxes	6,927	Beaver tails	25,797
Sables	12,782	Paws	40,588
Bears	1,893		

During the years 1863–1867 there were exported from the Russian American Colonies fur-seals to the number of 198,718.[8]

[1] Page 83. This author explains at length the causes of the diminution of seal life during the period concerning which he wrote.

[2] Tikhmenief, Vol. I, p. 327, and Vol. II, p. 221.

[3] And 10 pounds.

[4] And 6 pounds.

[5] And 16 pounds.

[6] And 21 pounds.

[7] And 34 pounds.

[8] Tenth Census Report of the United States, Report on the the Population, Industries, and Resources of Alaska, p. 61. See, generally, this report for greater details as to the whole of the foregoing.

Recapitulation of the foregoing as to fur-seals exported between 1743 and 1867.

1743–1820 (Berg, table 1)	2,167,040
1821–1842 (Tikhmenief)	458,502
1843–1862 (Tikhmenief)	372,894
1863–1867 (Tenth Census)	198,718
Total[1]	3,197,154

Fur-seal skins taken from the Pribilof Islands between the years 1868 and 1891.

	Number.		Number.		Number.
1868	[2]240,000	1876	87,900	1884	99,733
1869	[3]87,000	1877	76,584	1885	100,395
1870	[4]9,965	1878	100,152	1886	99,890
1871	[5]96,697	1879	101,004	1887	100,996
1872	100,352	1880	98,923	1888	99,116
1873	100,437	1881	102,386	1889	99,937
1874	102,221	1882	97,798	1890	[6]21,238
1875	100,036	1883	74,258	1891	[7]13,473

Extract from Report on the Resources of Alaska, published by the Bureau of Statistics of the United States Treasury Department, 1890.

A brief estimate of the value of permanent improvements in Alaska has been compiled from such sources as could be made available. No attempt at even approximate assessment has ever been made. Real estate can hardly be said to exist in a country as yet without provision for acquiring title to anything but mining claims.

Estimated value of permanent improvement in Alaska.

Invested in gold and silver mines and mills	$1,500,000
Invested in coal mines	30,000
Salmon canneries	1,800,000
Shipping	200,000
Sawmills	130,000
Codfishing stations and vessels	100,000
Trading stations, wharves, etc	350,000
	4,110,000

A very interesting summary of the value of products obtained from Alaska from the time of its purchase to the year of 1889 will serve to elucidate the value of this vast territory which we acquired for the paltry sum of $7,200,000, and which has returned over $60,000,000 within twenty-three years. The value of products of the whale fishery has been omitted from this summary as belonging more properly to San Francisco and New Bedford.

During the time covered by this statement the United States Treasury has drawn $5,955,535.07 from the same source, and on the large proportion of fur-seal skins which have been returned dressed and dyed to this country a duty of 20 per cent has been received.

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[1] For reasons already given, this total only represents the skins of which records were kept, which records, especially in early times, were very imperfect.

[2] Thomas F. Morgan, Vol. II, p. 63.

[3] Tenth Census, Report on the population, etc., of Alaska, p. 61.

[4] Emil Teichmann, Vol. II, p. 585.

[5] For this and succeeding years down to 1889, inclusive, see Max Heilbronner, Vol. II, pp. 117, 167.

[6] Charles J. Goff, Vol. II, p. 112.

[7] Emil Teichmann, Vol. II, p. 585.

Value of products obtained from Alaska from the time of its purchase to the year 1890.

Fur-seals (total)	$31,557,392
Other furs (total)	14,998,938
Canned salmon	6,439,797
Salted salmon	460,808
Codfish	2,950,236
Gold and silver	3,741,550
	60,058,721

REVENUE DERIVED FROM THE ALASKAN SEAL HERD.

TREASURY DEPARTMENT,
June 10, 1892.

SIR: In reply to your request of the 8th instant I have the honor to transmit herewith a statement of the revenue derived from the lease of the islands of St. Paul and St. George, Alaska, from 1871 to 1891, inclusive.

Respectfully, yours,

CHARLES FOSTER,
Secretary.

HON. JOHN W. FOSTER,
Department of State.

Statement of the revenue derived by the Government of the United States from the lease of the islands of St. Paul and St. George, Alaska.

Fiscal year ending June 30—	Amount.	Fiscal year ending June 30—	Amount.	Fiscal year ending June 30—	Amount.	Fiscal year ending June 30—	Amount.
1871	$101,080.00	1877	$291,155.50	1883	$317,295.25	1889	$317,500.00
1872	322,863.38	1878	253,255.75	1884	251,875.00	1890	262,500.00
1873	307,181.12	1879	317,447.50	1885	318,400.25	1891	269,673.88
1874	356,610.42	1880	317,400.25	1886	317,489.50		
1875	317,494.75	1881	317,594.50	1887	317,452.75	Total..	6,226,239.55
1876	317,584.00	1882	316,885.75	1888	317,500.00		

Note.

It will be seen by reference to the statement[1] sworn to by Joseph Ullmann and others, furriers, of New York City:

First: That upon a catch of 100,000 seals at the Pribilof Islands, about 70,000 have, after dressing and dyeing in London, been annually, during the last ten years, returned to the United States.

Second: That the average value of each skin so returned was $25.

The total value of skins so imported would therefore be, during ten years, $17,500,000.

The customs duty received therefrom by the United States Government is 20 per cent of this sum, or, for ten years, $3,500,000; and it is within bounds to say that for the past twenty years the above-mentioned duty amounted in all to $5,000,000.

[1] Vol. — p.—

DIPLOMATIC CORRESPONDENCE.

CHRONOLOGICAL ARRANGEMENT.

	Pages.
Correspondence of the years 1822–1825 relative to ukase of 1821, and to the treaties of 1824 and 1825	132–152
Correspondence between the United States and Great Britain relative to the seizure of British sealing vessels in Bering Sea in 1886 and 1887	153–163
Correspondence relative to proposed international measures for the protection of fur-seals (1887–1888.)	168–194
Correspondence relative to and growing out of the seizure of British sealing vessels in Bering Sea in 1889 (August 24, 1889, to January 22, 1890)	195–203
Correspondence relative to proposed international measures for the protection of fur-seals—continued—(February 10, 1890, to June 27, 1890)	204–223
Correspondence relative to the jurisdictional rights in Bering Sea formerly possessed by Russia and transferred to the United States by the treaty of of 1867 (Mr. Blaine's note of June 30, 1890)	224–235
Correspondence relative to Great Britain's willingness to enter into a convention for the protection of fur-seals (June 30, 1890, to July 19, 1890)	236–242
Correspondence relative to the jurisdictional rights in Bering Sea formerly possessed by Russia and transferred to the United States by the treaty of 1867—continued—(August 2, 1890, to April 14, 1891)	242–298
Correspondence relative to the *modus vivendi* of 1891 and to the negotiations for arbitration (April 20, 1891, to February 8, 1892)	298–350
Correspondence relative to the *modus vivendi* of 1892 (February 9, 1892, to March 26, 1892)	351–364

CORRESPONDENCE OF THE YEARS 1822-1825 RELATIVE TO THE UKASE OF 1821 AND THE TREATIES OF 1824 AND 1825.

M. de Poletica to Mr. Adams.

[Translation.]

WASHINGTON, *January 30* [*February 11*], *1822.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, in consequence of orders which have lately reached him, hastens herewith to transmit to Mr. Adams, Secretary of State in the Department of Foreign Affairs, a printed copy of the regulations adopted by the Russian-American Company, and sanctioned by His Imperial Majesty, relative to foreign commerce in the waters bordering the establishments of the said company on the northwest coast of America.

The undersigned conceives it to be, moreover, his duty to inform Mr. Adams that the Imperial Government, in adopting the regulation, supposes that a foreign ship, which shall have sailed from a European port after the 1st of March, 1822, or from one of the ports of the United States after the 1st of July of the same year, can not lawfully pretend ignorance of these new measures.

The undersigned, etc.,

PIERRE DE POLETICA.

[The inclosure referred to is the ukase of September 4, 1821. It is in the English language. An exact copy appears at page 16 of this volume.]

Mr. Adams to M. de Poletica.

DEPARTMENT OF STATE,
Washington, February 25, 1822.

SIR: I have the honor of receiving your note on the 11th instant, inclosing a printed copy of the regulations adopted by the Russian American Company, and sanctioned by His Imperial Majesty, relating to the commerce of foreigners in the waters bordering on the establishments of that company upon the northwest coast of America.

I am directed by the President of the United States to inform you that he has seen with surprise, in this edict, the assertion of a territorial claim on the part of Russia, extending to the fifty-first degree of north latitude on this continent, and a regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which that claim is made to apply. The relations of the United States with His Imperial Majesty have always been of the most friendly character; and it is the earnest desire of this Government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia on this continent, that the same would have been ar-

ranged by treaty between the parties. To exclude the vessels of our citizens from the shore, beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.

This ordinance affects so deeply the rights of the United States and of their citizens that I am instructed to inquire whether you are authorized to give explanations of the grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and regulations contained in it.

I avail, etc.,

JOHN QUINCY ADAMS.

M. de Poletica to Mr. Adams.

WASHINGTON, *February 28, 1822.*

M. de Poletica replied on the 28th of the same month, and after giving a summary of historical incidents which seemed to him to establish the title of Russia to the territories in question by first discovery, said:

"I shall be more succint, sir, in the exposition of the motives which determined the Imperial Government to prohibit foreign vessels from approaching the northwest coast of America belonging to Russia within the distance of at least 100 Italian miles. This measure, however severe it may at first appear, is, after all, but a measure of prevention. It is exclusively directed against the culpable enterprises of foreign adventurers, who, not content with exercising upon the coasts above mentioned an illicit trade very prejudicial to the rights reserved entirely to the Russian American Company, take upon them besides to furnish arms and ammunition to the natives in the Russian possessions in America, exciting them likewise in every manner to resist and revolt against the authorities there established.

"The American Government doubtless recollects that the irregular conduct of these adventurers, the majority of whom was composed of American citizens, has been the object of the most pressing remonstrances on the part of Russia to the Federal Government from the time that diplomatic missions were organized between the countries. These remonstrances, repeated at different times, remain constantly without effect, and the inconveniences to which they ought to bring a remedy continue to increase. * * * Pacific means not having brought any alleviation to the just grievances of the Russian American Company against foreign navigators in the waters which environ their establishments on the northwest coast of America, the Imperial Government saw itself under the necessity of having recourse to the means of coercion, and of measuring the rigor according to the inveterate character of the evil to which it wished to put a stop. * * *

"I ought, in the last place, to request you to consider, sir, that the Russian possessions in the Pacific Ocean extend, on the northwest coast of America, from Behring's Strait to the fifty first degree of north latitude, and on the opposite side of Asia and the islands adjacent, from the same strait to the forty-fifth degree. The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to *shut seas* (mers fermées), and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking any advantage of localities."

[A full copy of the above letter will be found in the North American Review, volume XV, p. 376, (1822).]

Mr. Adams to M. de Poletica.

DEPARTMENT OF STATE,
Washington, March 30, 1822.

SIR: I have had the honor of receiving your letter of the 28th ultimo, which has been submitted to the consideration of the President of the United States.

From the deduction which it contains of the grounds upon which articles of regulation of the Russian-American Company have now, for the first time, extended the claim of Russia on the northwest coast of America to the fifty-first degree of north latitude, its only foundation appears to be the existence of the small settlement of Novo Archangelsk, situated, not on the American continent, but upon a small island in latitute 57°; and the principle upon which you state that this claim is now advanced is, that the fifty-first degree is equidistant from the settlement of Novo Archangelsk and the establishment of the United States at the mouth of the Columbia River. But, from the same statement, it appears that, in the year 1799, the limits prescribed by the Emperor Paul to the Russian-American Company were fixed at the fifty-fifth degree of latitude, and that, in assuming now the latitude 57°, a new pretension is asserted, to which no settlement made since the year 1799 has given the color of a sanction.

This pretension is to be considered not only with reference to the question of territorial right, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within 100 Italian miles of the coasts. From the period of the existence of the United States as an independent nation, their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than 90° of longitude, or 4,000 miles.

As little can the United States accede to the justice of the reason assigned for the prohibition above mentioned. The right of the citizens of the United States to hold commerce with the aboriginal natives of the northwest coast of America, without the territorial jurisdiction of other nations, even in arms and munitions of war, is as clear and indisputable as that of navigating the seas. That right has never been exercised in a spirit unfriendly to Russia: and although general complaints have occasionally been made on the subject of this commerce by some of your predecessors, no specific ground of charge has ever been alleged by them of any transaction in it which the United States were, by the ordinary laws and usages of nations, bound either to restrain or to punish. Had any such charge been made, it would have received the most pointed attention of this Government with the sincerest and firmest disposition to perform every act and obligation of justice to yours which could have been required. I am commanded by the President of the United States to assure you that this disposition will continue to be entertained, together with the earnest desire that the harmonious relations between the two countries may be preserved.

Relying upon the assurance in your note of similar dispositions reciprocally entertained by His Imperial Majesty towards the United

States, the President is persuaded that the citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights.

I am, etc.,

JOHN QUINCY ADAMS.

M. de Poletica to Mr. Adams.

WASHINGTON, *April 2, 1822.*

Mr. Poletica replied on the 2d of April following, and after again endeavoring to prove the title of Russia to the northwest coast of America from Behring Straits to the fifty-first degree of north latitude, said:

"In the same manner the great extent of the Pacific Ocean at the fifty-first degree of latitude can not invalidate the right which Russia may have of considering that part of the ocean as close. But as the Imperial Government has not thought fit to take advantage of that right, all further discussion on this subject would be idle.

"As to the right claimed for the citizens of the United States of trading with the natives of the country of the northwest coast of America, without the limits of the jurisdiction belonging to Russia, the Imperial Government will not certainly think of limiting it, and still less of attacking it there. But I can not dissemble, sir, that this same trade beyond the fifty-first degree will meet with difficulties and inconveniences, for which the American owners will only have to accuse their own imprudence after the publicity which has been given to the measures taken by the Imperial Government for maintaining the rights of the Russian American Company in their absolute integrity.

"I shall not finish this letter without repeating to you, sir, the very positive assurance which I have already had the honor once of expressing to you that in every case where the American Government shall judge it necessary to make explanations to that of the Emperor, the President of the United States may rest assured that these explanations will always be attended to by the Emperor, my august sovereign, with the most friendly, and consequently the most conciliatory, dispositions."

Mr. Middleton to Mr. Adams.

ST. PETERSBURG, *August 8, 1822.*

SIR: I am desirous of giving you a full account of what has occurred here upon the subject of the N. W. Contestation, because I conceive it to be important, on account of the impending negotiation upon that subject, that you should be furnished with all the information attainable respecting the views and feelings of this Government upon it; and also because I wish you to understand the reason of the very moderate tone of the note I presented upon receipt of the instructions contained in your No. 12.

Having premised thus much, I proceed to state that from the time of

the publication of the ukase respecting the N. W. Trade, although I refrained from taking any official steps until I should receive instructions so to do, yet I omitted no proper occasion of making known my private opinion upon that subject in conversation with the secretaries and with all such persons as I knew were habitually consulted upon questions of a similar nature. To Mr. Speransky, Governor-General of Siberia, who had been one of the committee originating this measure, I stated my objections at length. He informed me that the first intention had been (as Mr. Poletica afterwards wrote you) to declare the northern portion of the Pacific Ocean as *mare clausum*, but that idea being abandoned, probably on account of its extravagance, they determined to adopt the more moderate measure of establishing limits to the maritime jurisdiction on their coasts, such as should secure to the Russian American Fur Company the monopoly of the very lucrative traffic they carry on. In order to do this they sought a precedent and found the distance of 30 leagues, named in treaty of Utrecht, and which may be calculated at about 100 Italian miles, sufficient for all purposes. I replied ironically that a still better precedent might have been pointed out to them in the papal bull of 1493, which established as a line of demarcation between the Spaniards and Portuguese a meridian to be drawn at the distance of 100 miles west of the Azores, and that the expression "Italian miles" used in the ukase very naturally might lead to the conclusion that this was actually the precedent looked to. He took my remarks in good part, and I am disposed to think that this conversation led him to make reflections which did not tend to confirm his first impressions, for I found him afterwards at different times speaking confidentially upon the subject.

For sometime past I began to perceive that the provisions of the ukase would not be persisted in. It appears to have been signed by the Emperor without sufficient examination, and may be fairly considered as having been surreptitiously obtained. There can be little doubt, therefore, that with a little patience and management it will be molded into a less objectionable shape. But in this, as in other matters, the *revocare gradum* is most difficult. Since the receipt of your dispatch No. 12 I have had several conferences with the secretaries of state and we have discussed fully and freely *the state of the question* as left by Mr. Poletica with your letter unanswered in his pocket. At length, on the morning of the 24th of July, having learned that preparation was making for the departure of the Emperor for Vienna, I had a conversation with Count Capodistrias, in which I informed him that I intended to ask a formal interview with Count Nesselrode before his departure, for the purpose of taking up this subject and urging some decision upon it, as I never had been able to ascertain officially whether the offensive provisions of the ukase would be revoked. I felt the more anxious, too, because I had learned that a Russian Frigate was shortly to sail for the N. W. Coast. I informed him further that I had prepared a *note verbale* to leave with Count Nesselrode, which I begged to be permitted to read to him (Count Capodistrias), as I was well assured of his anxious desire that all things should go on smoothly between us. (See paper No. 1.)

After hearing this paper with attention he said to me: "Puisque vous me faites l'honneur de me consulter, je vous dirai franchement mon avis. Si vous voulez que la chose s'arrange, ne donnez point votre note—l'Empereur a déjà eu le bon esprit de voir que cette affaire ne devrait pas être pousée plus loin. Nous sommes disposés à ne pas y donner de suite. Les ordres pour nos vaisseaux de guerre

seront bornés à empêcher la contrebande dans les limites reconnues par les autres puissances, en prenant nos établissemens actuels pour base de ces opérations. De cette manière, il n'y aura pas de complication pour entraver la négociation que pourra entamer M. le Baron de Tuyll dès son arrivée à Washington. Si vous dites que vous faites protestation, vous ferez du tort à la négociation; il ne faut pas non plus faire l'insinuation que nous ayons avancé une injuste prétention, même en nous complimentant sur notre politique passée; il ne faut pas nous sommer de révoquer des ordres donnés; nous ne révoquons pas; nous ne nous rétractons pas. Mais dans le fait il n'y a pas d'ordres donnés qui autorisent ce que vous craignez."

After much discussion I acquiesced in the solidity of the reasons for not delivering my note, and immediately wrote to Count Nesselrode asking an interview, which was granted for the 27th day of the month.

At that conference I talked over the matter with the two secretaries of state and brought fully to their view the substance of the instructions upon the ukase of 4th September last, insisting upon the necessity of this Government suspending the execution of those regulations which violate the general right of navigating within the common jurisdiction of all nations, and declaring that the territorial pretension advanced by Russia must be considered as entirely inadmissible by the United States until the conflicting claims shall have been settled by treaty. I received verbal assurances that our wish in both respects will be complied with, and that it is the intention of the Emperor that Baron Tuyll shall be furnished with full powers to adjust all controversies upon the subject of trade and territory upon the N. W. Coast. "Mais en attendant," said Ct. Capodistrias, "votre gouvernment voudra bien défendre à ses sujets le commerce dans les limites sujettes à contestation." In answer to this apostrophe I represented that this could not possibly be done without admitting the exclusive rights of Russia, and that until those should be made manifest our Government has no authority to inhibit its citizens from exercising their free industry within the limits sanctioned by the laws of their country and of nations.

I thought it necessary to give official form to these verbal communications, and upon stating this to the secretaries *it was agreed* that I should simply *ask to be informed what was intended* by the Imperial Government, and they promised that the answer should be satisfactory. Immediately on my return home I penned the note No. 2, and received in answer, upon the 1st of this month, that numbered 3.

I have the honor to be sir, etc., etc.,

HENRY MIDDLETON.

P.S.—A Russian frigate of 44 guns and 120 men, commanded by Capt. Lieut. Lazaroff, sailed about the 1st of August (O. S.), in company with a Norse ship, bound for the N. W. Coast.

The SECRETARY OF STATE OF THE UNITED STATES,

ST. PETERSBURG, *August* $\frac{2}{14}$, 1822.

[Inclosure No. 1—Prepared, but not delivered.]

Note verbale.

The correspondence of the Russian Envoy in the United States of America with the Secretary of State of that Government has probably given the Imperial Government

a sufficient knowledge of the weighty reasons that have induced the Government of the said States to protest against the changes made in the regulations governing foreign commerce in those parts of the Russian possessions that are situated on the Pacific coast.

If all the powers, and especially commercial nations, are interested in the maintenance of maritime rights unimpaired, it is not to be doubted that the President of the United States has learned, with the deepest concern, that the aforesaid regulations have been sanctioned by a power which has long been fondly regarded as a protector of the freedom of navigation against all unjust pretensions; for he must, with reason, fear the influence of such an example, and must also fear lest nations possessing preponderating power at sea may avail themselves thereof to justify abuses of power by the example of those which should be most interested in upholding the universal rights of nations.

Since the President cannot close his eyes to the fact that public opinion is greatly opposed to these regulations, and is fully convinced that it is quite impossible for the United States Government to acquiesce in them, he has thought proper, not only in view of his feelings of friendship for His Majesty the Emperor of all the Russias, but of the uprightness of intention of which he is conscious, and of the frankness which he uses on all occasions, not to leave the Imperial Government in uncertainty with regard to his determination to uphold the rights and interests of his fellow-citizens, and to insist that the United States and their subjects shall still have, as they have had in the past, full liberty to sail in the Pacific Ocean and off the coasts of the neighboring countries within the limits recognized by the law of nations.

A careful perusal of the correspondence which has recently been exchanged at Washington in relation to the aforesaid regulations cannot fail to show that a state of war between the two powers exists already, owing to the principles that have been avowed on both sides. Nothing is lacking to make this complete except a declaration or acts of violence, which latter cannot be long in coming, unless precautionary measures be at once taken.

It is especially owing to this circumstance that the departure of Mr. Poletica, without having been authorized to enter upon a discussion of our mutual rights and duties, is to be regretted.

Under present circumstances it is very desirable that there should be a suspension of the territorial claims of Russia to the border regions of the United States, without prejudice to the respective rights of the powers interested, until the settlement of the boundaries by a treaty, but it is especially necessary, for the avoidance of any complications that might arise through hostilities, that the Russian Government should abstain from putting into execution the measures ordered by the ukase of September 4, 1821, and that it should consent to revoke the orders issued to its vessels of war, if any such have been issued authorizing those measures to be put into execution.

In the fear of jeopardizing more important interests than those just now under consideration, and in order not to run any risks that foresight may prevent, the undersigned deems it his duty to make this representation, and he earnestly hopes that the Imperial Government will see, and will avert by acting upon these suggestions, the dangers which threaten to disturb the good understanding which so happily exists between the two countries.

(Signed) H'Y MIDDLETON.

ST. PETERSBURG, *July 24th, 1822.*

[Inclosure No. 2.]

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to call the attention of his excellency the Secretary of State, Count Nesselrode, to the correspondence which has recently taken place between the Envoy of Russia in the United States and the Secretary of State of the United States.

The correspondence has probably sufficiently made known the reasons which the United States have alleged for not agreeing to the regulations adopted by the Russian American Company for the government of foreign commerce in those parts of their possessions that are on the Pacific coast.

Mr. Poletica's departure from the United States, without having been authorized to enter more fully upon the discussion of our reciprocal rights and duties, is to be regretted exceedingly, because the divergence of the opinions avowed on both sides may give rise, by its duration, to acts of violence which will occasion annoying complications.

In the mean time the undersigned deems it his duty to inquire what the intentions

of the Imperial Government are as regards the measures to be adopted for the avoidance of the complications which would be the outcome of the peremptory execution of the aforesaid regulations.

The undersigned flatters himself that the Imperial Government will regard this step simply as the result of his earnest desire to avert the dangers which might threaten to disturb the good understanding which so happily exists between the two powers, and, awaiting a favorable reply, he has the honor to renew to his excellency the Secretary of State the assurance of his high consideration.

(Signed) H'Y MIDDLETON.

ST. PETERSBURG, *July 27th, 1822.*

[Inclosure No. 3.]

The undersigned Secretary of State, acting Minister of Foreign Affairs, hastened to lay before the Emperor the note which Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, addressed to him on the 27th ultimo, calling the attention of the Imperial Ministry to the correspondence which has passed between the Envoy of Russia at Washington and the United States Government, with regard to certain clauses of the regulations issued September 4, 1821, which were designed to protect the interests of Russian commerce on the Northwest Coast of North America.

Being actuated by the constant desire to maintain in all their integrity the friendly relations existing between the court of Russia and the United States Government, the Emperor has been pleased to forestall the wishes which have just been made known to him. Major-General Baron de Tuyll, who has been appointed to the post that was filled by Mr. de Poletica, received orders to devote himself to the important task which his predecessor would have performed had the state of his health allowed him to prolong his stay in America.

Having no doubt of the friendly disposition which will be manifested by the American Government in the negotiations which are about to be set on foot by General Tuyll, and feeling assured in advance that, by a series of these same negotiations, the interests of the commerce of the Russian American Company will be preserved from all injury, the Emperor has caused the vessels of the Imperial Navy which are about to visit the Northwest Coast to be furnished with instructions which are very much in keeping with the object that both Governments desire to attain, by mutual explanations, in a spirit of justice, harmony, and friendship.

Having thus removed, so far as he is concerned, everything that might have given rise to the acts of violence which the American Government seems to have been long apprehending, His Imperial Majesty trusts that the President of the United States will, in turn, adopt such measures as his wisdom may suggest to him as best adapted to rectify all those errors, that have been intensified by that malevolence which seeks to misconstrue intentions and jeopardize the amicable relations of the two Governments.

As soon as the shippers and merchants of the United States shall become convinced that the questions which have arisen in connection with the regulations of September 4–16 are receiving attention, and that it is firmly purposed to bring them to a decision that shall be mutually satisfactory, under the auspices of justice and of our unalterable friendship, then will it be impossible for the surveillance which the vessels of the Imperial Navy going to the Northwest Coast of America are directed by the new instructions to exercise there, ever to give rise to unpleasant complications.

The undersigned, entertaining this conviction, which will doubtless be shared by Mr. Middleton, has but to add to the communications which he has been ordered to make in reply to the note of July 27th, the assurance of his very distinguished consideration.

(Signed) NESSELRODE.

ST. PETERSBURG, *August 1st, 1822.*

Baron Tuyll to Mr. Adams.

[Translation.]

WASHINGTON, *April 12 (24), 1823.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias near the United States

of America, has had the honor to express to Mr. Adams, Secretary of State, the desire of the Emperor, his master, who is ever animated by a sincere friendship toward the United States, to see the discussions that have arisen between the cabinets of St. Petersburg and Washington, upon some provisions contained in the ukase of the 4th (16th) of September, 1821, relative to the Russian possessions on the northwest coast of America, terminated by means of friendly negotiation.

These views of His Imperial Majesty coincide with the wish expressed sometime since on the part of the United States in regard to a settlement of limits on the said coast.

The ministry of the Emperor having induced the British ministry to furnish Sir Charles Bagot, ambassador of His Majesty the King of England near His Imperial Majesty, with full powers necessary for the negotiation about to be set on foot for reconciling the difficulties existing between the two courts on the subject of the northwest coast, the English Government is desirous of acceding to that invitation.

The undersigned has been directed to communicate to Mr. Adams, Secretary of State, in the name of his august master, and as an additional proof of the sentiments entertained by His Imperial Majesty towards the President of the United States and the American Government, the expression of his desire that Mr. Middleton be also furnished with the necessary powers to terminate with the Imperial cabinet, by an arrangement founded on the principle of mutual convenience, all the differences that have arisen between Russia and the United States in consequence of the law published September 4 (16), 1821.

The undersigned thinks he may hope that the Cabinet of Washington will, with pleasure, accede to a proposition tending to facilitate the completion of an arrangement based upon sentiments of mutual good will and of a nature to secure the interests of both countries.

He profits, etc.,

TUYLL.

Mr. Adams to Baron Tuyll.

DEPARTMENT OF STATE,
Washington, May 7, 1823.

The undersigned, Secretary of State of the United States, has submitted to the consideration of the President the note which he had the honor of receiving from the Baron de Tuyll, Envoy Extraordinary and Minister Plenipotentiary from His Imperial Majesty the Emperor of all the Russias, dated the 12th (24th) of the last month.

The undersigned has been directed, in answer to that note, to assure the Baron de Tuyll of the warm satisfaction with which the President receives and appreciates the friendly dispositions of His Imperial Majesty toward the United States; dispositions which it has been, and is, the earnest desire of the American Government to meet with corresponding returns, and which have been long cemented by the invariable friendship and cordiality which have subsisted between the United States and His Imperial Majesty.

Penetrated with these sentiments, and anxiously seeking to promote their perpetuation, the President readily accedes to the proposal that the minister of the United States at the court of His Imperial Majesty should be furnished with powers for negotiating, upon principles adapted

to those sentiments, the adjustment of the interests and rights which have been brought into collision upon the northwest coast of America, and which have heretofore formed a subject of correspondence between the two Governments, as well at Washington as at St. Petersburg.

The undersigned is further commanded to add that, in pursuing, for the adjustment of the interests in question, this course, equally congenial to the friendly feelings of this nation towards Russia and to their reliance upon the justice and magnanimity of his Imperial Majesty, the President of the United States confides that the arrangements of the cabinet of St. Petersburg will have suspended the possibility of any consequences resulting from the ukase to which the Baron de Tuyll's note refers which could affect the just rights and the lawful commerce of the United States during the amicable discussion of the subject between the Governments respectively interested in it.

The undersigned, etc.,

JOHN QUINCY ADAMS.

Mr. Adams to Mr. Middleton.

No. 16.] DEPARTMENT OF STATE,
Washington, July 22, 1823.

SIR: I have the honor of inclosing herewith copies of a note from Baron de Tuyll, the Russian minister, recently arrived, proposing, on the part of His Majesty the Emperor of Russia, that a power should be transmitted to you to enter upon a negotiation with the ministers of his Government concerning the differences which have arisen from the Imperial ukase of 4th (16th) September, 1821, relative to the northwest coast of America, and of the answer from this Department acceding to this proposal. A full power is accordingly inclosed, and you will consider this letter as communicating to you the President's instructions for the conduct of the negotiation.

From the tenor of the ukase, the pretentions of the Imperial Government extend to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude, on the Asiatic coast, to the latitude of fifty-one north on the western coast of the American continent; and they assume the right of interdicting the navigation and the fishery of all other nations to the extent of 100 miles from the whole of that coast.

The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, after the peace of 1783, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, which, so far as Russian rights are concerned, are confined to certain islands north of the fifty-fifth degree of latitude, and have no existence on the continent of America.

The correspondence between Mr. Poletica and this Department contained no discussion of the principles or of the facts upon which he attempted the justification of the Imperial ukase. This was purposely avoided on our part, under the expectation that the Imperial Government could not fail, upon a review of the measure, to revoke it altogether. It did, however, excite much public animadversion in this country, as the ukase itself had already done in England. I inclose herewith the North American Review for October, 1822, No. 37, which

contains an article (p. 370) written by a person fully master of the subject; and for the view of it taken in England I refer you to the fifty-second number of the Quarterly Review, the article upon Lieutenant Kotzebue's voyages. From the article in the North American Review it will be seen that the rights of discovery, of occupancy, and of uncontested possession, alleged by Mr. Poletica, are all without foundation in fact.

It does not appear that there ever has been a permanent Russian settlement on this continent south of latitude 59°, that of New Archangel, cited by Mr. Poletica, in latitude 57° 30′, being upon an island. So far as prior *discovery* can constitute a foundation of right, the papers which I have referred to prove that it belongs to the United States as far as 59° north, by the transfer to them of the rights of Spain. There is, however, no part of the globe where the mere fact of discovery could be held to give weaker claims than on the northwest coast. "The great sinuosity," says Humboldt, "formed by the coast between the fifty-fifth and sixtieth parallels of latitude embraces discoveries made by Gali, Behring and Tchivikoff, Quadra, Cook, La Perouse, Malespièr, and Vancouver. No European nation has yet formed an establishment upon the immense extent of coast from Cape Mendocino to the fifty-ninth degree of latitude. Beyond that limit the Russian factories commence, most of which are scattered and distant from each other, like the factories established by the European nations for the last three centuries on the coast of Africa. Most of these little Russian colonies communicate with each other only by sea, and the new denominations of Russian America, or Russian possessions in the new continent, must not lead us to believe that the coast of Behring's Bay, the peninsula of Alaska, or the country of the Ischugatschi have become Russian *provinces* in the same sense given to the word when speaking of the Spanish provinces of Sonora or New Biscay." (Humboldt's New Spain, Vol. II, Book 3, chap. 8, p. 496.)

In Mr. Poletica's letter of 28th February, 1822, to me, he says that when the Emperor Paul I granted to the present American Company its first charter, in 1799, he gave it the *exclusive possession* of the northwest coast of America, which belonged to Russia, from the fifty-fifth degree of north latitude to Bering Strait.

In his letter of 2d of April, 1822, he says that the charter of the Russian American Company, in 1799, was merely conceding to them a part of the sovereignty, *or, rather, certain exclusive privileges of commerce.*

This is the most correct view of the subject. The Emperor Paul granted to the Russian American Company certain exclusive privileges of commerce—exclusive with reference to other Russian subjects; but Russia had never before *asserted* a right of sovereignty over any part of the North American continent, and in 1799 the people of the United States had been at least for twelve years in the constant and uninterrupted enjoyment of a profitable trade with the natives of that very coast, of which the ukase of the Emperor Paul could not deprive them.

It was in this same year, 1799, that the Russian settlement at Sitka was first made, and it was destroyed in 1802 by the natives of the country. There were, it seems, at the time of its destruction, three American seamen who perished with the rest, and a new settlement at the same place was made in 1804.

In 1808 Count Romanzoff, being then Minister of Foreign Affairs and of Commerce, addressed to Mr. Harris, consul of the United States at St. Petersburg, a letter complaining of the traffic carried on by citizens of the United States with the native islanders of the northwest coast,

instead of trading with the Russian possessions in America. The Count stated that the Russian Company had represented this traffic as *clandestine*, by which means the savage *islanders*, in exchange for otter skins, had been furnished with firearms and powder, with which they had destroyed a Russian fort, with the loss of several lives. He expressly disclaimed, however, any disposition on the part of Russia to abridge this traffic of the citizens of the United States, but proposed a convention by which it should be carried on *exclusively* with the agents of the Russian American Company at Kadiak, a small island near the promontory of Alaska, at least 700 miles distant from the other settlement at Sitka.

On the 4th of January, 1810, Mr. Daschkoff, chargé d'affaires and consul-general from Russia, renewed this proposal of a convention, and requested as an alternative that the United States should, by a legislative act, prohibit the trade of their citizens with the natives of the northwest coast of America as *unlawful and irregular*, and thereby induce them to carry on the trade exclusively with the agents of the Russian American Company. The answer of the Secretary of State, dated the 5th of May, 1810, declines those proposals for reasons which were then satisfactory to the Russian Government, or to which at at least no reply on their part was made. Copies of these papers and of those containing the instructions of the minister of the United States then at St. Petersburg, and the relation of his conferences with the chancellor of the empire, Count Romanzoff, on this subject are herewith inclosed. By them it will be seen that the Russian Government at that time explicitly declined the assertion of *any* boundary line upon the northwest coast, and that the proposal of measures for confining the trade of the citizens of the United States exclusively to the Russian settlement at Kadiak and with the agents of the Russian American Company had been made by Count Romanzoff under the impression that they would be as advantageous to the interests of the United States as to those of Russia.

It is necessary now to say that this impression was erroneous; that the traffic of the citizens of the United States with the natives of the northwest coast was neither *clandestine*, nor unlawful, nor irregular; that it had been enjoyed many years before the Russian American Company existed, and that it interfered with no lawful right or claim of Russia.

This trade has been shared also by the English, French, and Portuguese. In the prosecution of it the English settlement of Nootka Sound was made, which occasioned the differences between Great Britain and Spain in 1789 and 1790, ten years before the Russian American Company was first chartered.

It was in the prosecution of this trade that the American settlement at the mouth of the Columbia River was made in 1811, which was taken by the British during the late war, and formally restored to them on the 6th of October, 1818. By the treaty of the 22d of February, 1819, with Spain, the United States acquired all the rights of Spain north of latitude 42°; and by the third article of the convention between the United States and Great Britain of the 20th of October, 1818, it was agreed that any country that might be claimed by either party on the northwest coast of America, westward of the Stony Mountains, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from that date to the vessels, citizens, and subjects of the two powers, without prejudice to the claims of either party or of any other State.

You are authorized to propose an article of the same import for a

term of ten years from the signature of a joint convention between the United States, Great Britain, and Russia.

The right of the United States from the forty-second to the forty-ninth parallel of latitude on the Pacific Ocean we consider as unquestionable, being founded, first, on the acquisition, by the treaty of February 22, 1819, of all the rights of Spain; second, by the discovery of the Columbia River, first from sea, at its mouth, and then by land, by Lewis and Clarke; and third, by the settlement at its mouth in 1811. This territory is to the United States of an importance which no possession in North America can be to any European nation, not only as it is but the continuity of their possessions from the Atlantic to the Pacific Ocean, but as it offers their inhabitants the means of establishing hereafter water communications from the one to the other.

It is not conceivable that any possession upon the continent of North America should be of use or importance to Russia for any other purpose than that of traffic with the natives. This was, in fact, the inducement to the formation of the Russian-American Company and to the charter granted them by the Emperor Paul. It was the inducement to the ukase of the Emperor Alexander. By offering free and equal access for a term of years to navigation and intercourse with the natives to Russia, within the limits to which our claims are indisputable, we concede much more than we obtain. It is not to be doubted that, long before the expiration of that time, our settlement at the mouth of the Columbia River will become so considerable as to offer means of useful commercial intercourse with the Russian settlements on the islands of the northwest coast.

With regard to the territorial claim, separate from the right of traffic with the natives and from any system of colonial exclusions, we are willing to agree to the boundary line within which the Emperor Paul had granted exclusive privileges to the Russian American Company, that is to say, latitude 55°.

If the Russian Government apprehend serious inconvenience from the illicit traffic of foreigners with their settlements on the northwest coast, it may be effectually guarded against by stipulations similar to those, a draft of which is herewith subjoined, and to which you are authorized, on the part of the United States, to agree.

As the British ambassador at St. Petersburg is authorized and instructed to negotiate likewise upon this subject, it may be proper to adjust the interests and claims of the three powers by a joint convention. Your full power is prepared accordingly.

Instructions conformable to these will be forwarded to Mr. Rush, at London, with authority to communicate with the British Government in relation to this interest and to correspond with you concerning it, with a view to the maintenance of the rights of the United States.

I am, etc.,

JOHN QUINCY ADAMS.

HENRY MIDDLETON,
Envoy Extraordinary and Minister Plenipotentiary of the United States, St. Petersburg.

[Inclosure.]

Draft of treaty between the United States and Russia.

ART. I. In order to strengthen the bonds of friendship and to preserve in future a perfect harmony and good understanding between the contracting parties, it is agreed

that their respective citizens and subjects shall not be disturbed or molested, either in navigating or in carrying on their fisheries in the Pacific Ocean or in the South Seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country; subject, nevertheless to the restrictions and provisions specified in the two following articles.

ART. II. To the end that the navigation and fishery of the citizens and subjects of the contracting parties, respectively, in the Pacific Ocean or in the South Seas, may not be made a pretext for illicit trade with their respective settlements, it is agreed that the citizens of the United States shall not land on any part of the coast actually occupied by Russian settlements, unless by permission of the governor or commander thereof, and that Russian subjects shall, in like manner, be interdicted from landing without permission at any settlement of the United States on the said northwest coast.

ART. III. It is agreed that no settlement shall be made hereafter on the northwest coast of America by citizens of the United States or under their authority, north, nor by Russian subjects, or under the authority of Russia, south of the fifty-fifth degree of north latitude.

(For other inclosures, see American State Papers, Foreign Relations, vol. v, pp. 436–438.)

Mr. Adams to Mr. Rush.

No. 70.] DEPARTMENT OF STATE,
Washington, July 22, 1823.

SIR: Among the subjects of negotiation with Great Britain which are pressing upon the attention of this Government is the present condition of the northwest coast of this continent. This interest is connected, in a manner becoming from day to day more important, with our territorial rights; with the whole system of our intercourse with the Indian tribes; with the boundary relations between us and the British North American dominions; with the fur trade; the fisheries in the Pacific Ocean; the commerce with the Sandwich Islands and China; with our boundary upon Mexico; and, lastly, with our political standing and intercourse with the Russian Empire.

By the third article of the convention between the United States and Great Britain of October 20, 1818, it is agreed that any "country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same be free and open for the term of ten years from the date of the signature of the convention to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claims which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or State to any part of the said country. The only object of the high contracting parties in that respect being to prevent disputes and differencies amongst themselves."

On the 6th of October, 1818, fourteen days before the signature of the convention, the settlement at the mouth of Columbia River had been formally restored to the United States by order of the British Government. (Message of the President of the United States to the House of Representatives, April 15, 1822, page 13. Letter of Mr. Prevost to the Secretary of State of November 11, 1818.)

By the treaty of amity, settlement, and limits between the United States and Spain of February 22, 1819, the boundary line between them was fixed at the forty-second degree of latitude, from the source of the

Arkansas River to the South Sea; by which treaty the United States acquired all the rights of Spain north of that parallel.

The right of the United States to the Columbia River, and to the interior territory washed by its waters, rests upon its discovery from the sea and nomination by a citizen of the United States; upon its exploration to the sea by Captains Lewis and Clarke; upon the settlement of Astoria, made under the protection of the United States, and thus restored to them in 1818; and upon this subsequent acquisition of all the rights of Spain, the only European power who, prior to the discovery of the river, had any pretenses to territorial rights on the northwest coast of America.

The waters of the Columbia River extend by the Multnomah to the forty-second degree of latitude, where its source approaches within a few miles of those of the Platte and Arkansas, and by Clarke's River to the fiftieth or fifty-first degree of latitude; thence descending southward, till its sources almost intersect those of the Missouri.

To the territory thus watered, and immediately contiguous to the original possessions of the United States, as first bounded by the Mississippi, they consider their right to be now established by all the principles which have ever been applied to European settlements upon the American hemisphere.

By the ukase of the Emperor Alexander, of the 4th (16th) of September, 1821, an exclusive territorial right on the northwest coast of America is asserted as belonging to Russia, and as extending from the northern extremity of the continent to latitude 51°, and the navigation and fishery of all other nations are interdicted by the same ukase to the extent of 100 Italian miles from the coast.

When Mr. Poletica, the late Russian minister here, was called upon to set forth the grounds of right conformable to the laws of nations which authorized the issuing of this decree, he answered in his letters of February 28 and April 2, 1822, by alleging first discovery, occupancy, and uninterrupted possession.

It appears upon examination that these claims have no foundation in fact. The right of *discovery* on this continent, claimable by Russia, is reduced to the probability that, in 1741, Captain Tchirikoff saw from the sea the mountain called St. Elias, in about the fifty-ninth degree of north latitude. The Spanish navigators, as early as 1582, had discovered as far north as 57° 30′.

As to occupancy, Captain Cook, in 1779, had the express declaration of Mr. Ismaeloff, the chief of the Russian settlement at Unalaska, that they *knew nothing* of the continent in America; and in the Nootka Sound controversy between Spain and Great Britain it is explicitly stated in the Spanish documents that Russia had disclaimed all pretension to interfere with the Spanish exclusive rights to *beyond* Prince William Sound, latitude 61°. No evidence has been exhibited of any Russian settlement on this continent south and east of Prince William Sound to this day, with the exception of that in California, made in 1816.

It never has been admitted by the various European nations which have formed settlements in this hemisphere that the occupation of an island gave any claim whatever to territorial possessions on the continent to which it was adjoining. The recognized principle has rather been the reverse, as, by the law of nature, islands must be rather considered as appendages to continents than continents to islands.

The only color of claim alleged by Mr. Poletica which has an appearance of plausibility is that which he asserts as an authentic fact, "that

in 1789 the Spanish packet *St. Charles*, commanded by Captain Haro, found in the latitude 48° and 49°, Russian settlements to the number of eight, consisting in the whole of twenty families and 462 individuals." But, more than twenty years since, Heurieu had shown, in his introduction to the voyage of Marchand, that in this statement there was a mistake of at least ten degrees of latitude, and that instead of 48° and 49°, it should read 58° and 59°. This is probably not the only mistake in the account. It rests altogether upon the credit of two private letters—one written from San Blas, and the other from the City of Mexico, to Spain—there communicated to a French consul in one of the Spanish ports, and by him to the French minister of marine. They were written in October, 1788, and August, 1789. We have seen that in 1790 Russia explicitly disclaimed interfering with the exclusive rights of Spain to *beyond* Prince William Sound in latitude 61°; and Vancouver, in 1794, was informed by the Russians on the spot that their most *eastern* settlement there was on Hinchinbrook Island, at Port Etches, which *had been established in the course of the preceding summer*, and that the adjacent continent was *a sterile and uninhabited country*.

Until the Nootka Sound contest Great Britain had never advanced any claim to territory upon the northwest coast of America by right of occupation. Under the treaty of 1763 her territorial rights were bounded by the Mississippi.

On the 22d of July, 1793, McKenzie reached the shores of the Pacific by land from Canada in latitude 52° 21′ north, longitude 128° 2′ west of Greenwich.

It is stated in the 52d number of the Quarterly Review, in the article upon Kotzebue's voyage, "that the whole country from latitude 56° 30′ to the boundary of the United States in latitude 48°, or thereabouts, is now and has long been in the actual possession of the British Northwest Company;" that this company have a post on the borders of a river in latitude 54° 30′ north, longitude 125° west, and that in latitude 55° 15′ north, longitude 129° 44′ west, "by this time (March, 1822) the United Company of the Northwest and Hudsons Bay have, in all probability, formed an establishment."

It is not imaginable that, in the present condition of the world, *any* European nation should entertain the project of settling a *colony* on the northwest coast of America. That the United States should form establishments there, with views of absolute territorial right and inland communication, is not only to be expected, but is pointed out by the finger of nature, and has been for many years a subject of serious deliberation in Congress. A plan has, for several sessions, been before them for establishing a Territorial government on the borders of the Columbia River. It will undoubtedly be resumed at their next session, and even if then again postponed, there can not be a doubt that, in the course of a few years, it must be carried into effect.

As yet, however, the only useful purpose to which the Northwest Coast of America has been or can be made subservient to the settlements of civilized men are the fisheries on its adjoining seas and trade with the aboriginal inhabitants of the country. These have hitherto been enjoyed in common by the people of the United States and by the British and Russian nations. The Spanish, Portuguese, and French nations have also participated in them hitherto, without other annoyance than that which resulted from the exclusive territorial claims of Spain, so long as they were insisted on by her.

The United States and Great Britain have both protested against the Russian imperial ukase of September 4 (16), 1821. At the proposal

of the Russian Government a full power and instructions are now transmitted to Mr. Middleton for the adjustment, by amicable negotiation, of the conflicting claims of the parties on this subject.

We have been informed by the Baron de Tuyll that a similar authority has been given on the part of the British Government to Sir Charles Bagot.

Previous to the restoration of the settlement at the mouth of the Columbia River in 1818, and again upon the first introduction into Congress of the plan for constituting a Territorial government there, some disposition was manifested by Sir Charles Bagot and Mr. Canning to dispute the *right* of the United States to that establishment, and some vague intimation was given of British claims on the Northwest Coast. The restoration of the place and the convention of 1818 were considered as a final disposal of Mr. Bagot's objections, and Mr. Canning declined committing to paper those which he had intimated in conversation.

The discussion of the Russian pretensions in the negotiation now proposed necessarily involves the interests of the three powers and renders it manifestly proper that the United States and Great Britain should come to a mutual understanding with respect to *their respective* pretensions, as well as upon their joint views with reference to those of Russia. Copies of the instructions to Mr. Middleton are, therefore, herewith transmitted to you, and the President wishes you to confer freely with the British Government on the subject.

The principles settled by the Nootka Sound Convention of October 28, 1790, were—

(1) That the rights of fishery in the south seas, of trading with the natives of the Northwest Coast of America, and of making settlements on the coast itself for the purposes of that trade, north of the actual settlements of Spain, were common to all the European nations, and of course to the United States.

(2) That so far as the actual settlements of Spain had extended she possessed the exclusive rights, territorial and of navigation and fishery, extending to the distance of 10 miles from the coasts so actually occupied.

(3) That on the coasts of South America, and the adjacent islands south of the parts already occupied by Spain, no settlement should thereafter be made either by British or Spanish subjects, but on both sides should be retained the liberty of landing and of erecting temporary buildings for the purposes of the fishery. These rights were also, of course, enjoyed by the people of the United States.

The exclusive rights of Spain to any part of the American continents have ceased. That portion of the convention, therefore, which recognizes the exclusive colonial right of Spain on these continents, though confirmed, as between Great Britain and Spain, by the first additional article to the treaty of the 5th of July, 1814, has been extinguished by the fact of the independence of the South American nation and of Mexico. These independent nations will possess the rights incident to that condition, and their territories will, of course, be subject to no exclusive right of navigation in their vicinity, or of access to them by any foreign nation.

A necessary consequence of this state of things will be that the American continents henceforth will no longer be subjects of colonization. Occupied by civilized, independent nations, they will be accessible to Europeans and to each other on that footing alone, and the Pacific Ocean in every part of it will remain open to the navigation of all nations in like manner with the Atlantic.

Incidental to the condition of national independence and sovereignty, the rights of anterior navigation of their rivers will belong to each of the American nations within its own territories.

The application of colonial principles of exclusion, therefore, can not be admitted by the United States as lawful on any part of the Northwest Coast of America, or as belonging to any European nation. Their own settlements there, when organized as Territorial governments, will be adapted to the freedom of their own institutions, and, as constituent parts of the Union, be subject to the principles and provisions of their constitution.

The right of carrying on trade with the natives throughout the Northwest Coast they (the United States) can not renounce. With the Russian settlements at Kodiak, or at New Archangel, they may fairly claim the advantage of a free trade, having so long enjoyed it unmolested, and because it has been and would continue to be as advantageous at least to those settlements as to them. But they will not contest the right of Russia to prohibit the traffic, as strictly confined to the Russian settlement itself and not extending to the original natives of the coast.

If the British Northwest and Hudson's Bay Companies have any posts on the coast, as suggested in the article of the Quarterly Review, above cited, the third article of the convention of October 20, 1818, is applicable to them. Mr. Middleton is authorized by his instructions to propose an article of similar import, to be inserted in a joint convention between the United States, Great Britain, and Russia, for a term of ten years from its signature. You are authorized to make the same proposal to the British Government, and with a view to draw a definite line of demarcation for the future, to stipulate that no settlement shall hereafter be made on the Northwest Coast or on any of the islands thereto adjoining by Russian subjects south of latitude 55°, by citizens of the United States north of latitude 51°, or by British subjects either south of 51° or north of 55°. I mention the latitude of 51° as the bound within which we are willing to limit the future settlement of the United States, because it is not to be doubted that the Columbia River branches as far north as 51°, although it is most probably not the Taconeschе Tesse of Mackenzie. As, however, the line already runs in latitude 49° to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance on the same parallel to the sea. Copies of this instruction will likewise be forwarded to Mr. Middleton, with whom you will freely, but cautiously, correspond on this subject, as well as in relation to your negotiation respecting the suppression of the slave trade.

I have the honor to be, with great respect, sir, your very humble obedient servant,

JOHN QUINCY ADAMS.

Hon. RICHARD RUSH,
Envoy Extraordinary and Minister
Plenipotentiary of the United States, London.

Mr. Middleton to Mr. Adams.

[Extract.]

No. 33.] ST. PETERSBURG, *December 1 (13), 1823.*

SIR: I have prepared, and shall deliver in on the first fit occasion, for his Imperial Majesty's inspection, a confidential memoir on the North-

west question, and I now forward a copy of it marked A. The subject must be trite to you; but I have found here that it is indispensable to make some statements of facts and principles in this case before I can proceed further in the negotiation. I hope you will approve of the course I am pursuing, and that you will find that I have stated correctly both facts and principles. I felt it to be necessary to broach the subject in this mode, knowing the erroneous impressions which prevail. I have now great hopes, notwithstanding the unfavorable appearances which this affair has worn for a few weeks past, that it may take a new turn, and that I may yet be enabled to succeed in attaining the main object of the negotiation.

Sir Charles Bagot is now daily expecting the return of his messenger with new powers and instructions respecting the same matters. I mentioned in my last, and I now repeat, that I have a reasonable expectation that he will be instructed to pursue the course of policy so obviously pointed out by the true interests of England, and suggested by a sense of the propriety of being consistent, and of persevering in the principles which marked the Nootka Sound contestation. Neither he nor I foresee any difficulty in reconciling and adjusting the interests of our respective countries upon this question.

(For inclosures see American State Papers, Foreign Relations, vol. V, p. 449, *et seq.*)

Mr. Rush to Mr. Adams.

No. 353.] LONDON, *December 19, 1823.*

SIR: Since I last wrote, Mr. Canning has been confined to his house by a sharp attack of gout; nevertheless, he wrote me a note the day before yesterday inviting me to call upon him on that day for the purpose of having our proposed conference on the topic of the Northwest Coast. I went accordingly and was received by him in his chamber.

He repeated his wish to learn from me our general grounds upon this subject preparatory to his sending off instructions to Sir Charles Bagot.

I at once unfolded them to him by stating that the proposals of my Government were, first, that as regarded the country lying between the Stony Mountains and the Pacific Ocean, Great Britain, the United States, and Russia should jointly enter into a convention, similar in its nature to the third article of the convention of the 20th of October, 1818, now existing between the two former powers, by which the whole of that country westward of the Stony Mountains and all its waters would be free and open to the citizens and subjects of the three powers as long as the joint convention remained in force. This my Government proposed should be for the term of ten years.

And, second, that the United States were willing to stipulate to make no settlements north of the fifty-first degree of north latitude on that coast, provided Great Britain stipulated to make none south of 51° or north of 55°, and Russia to make none south of 55°.

These, I said, were the principal points which I had to put forward upon this subject. The map was spread out before us, and, in stating the points, I endeavored to explain and recommend them by such appropriate remarks as your instructions supplied me with, going as far as seemed fitted to a discussion regarded only as preparatory and informal.

Mr. Canning repeated that he had not invited me to call upon him with any view to discussion at present, but only to obtain from me a statement of the points, in anticipation of the opening of the negotiation, from the motive that he had mentioned of writing to Mr. Bagot. Yet my statement naturally led to further conversation. He expressed no opinion on any of the points, but his inquiries and remarks under that which proposes to confine the British settlements within 51° and 55° were evidently of a nature to indicate strong objections on his side, though he professed to speak only from his first impressions. It is more proper, I should say, that his objections were directed to our proposal of not letting Great Britain go above 55° north with her settlements, whilst we allowed Russia to come down to that line with hers. In treating of this coast he had supposed that Britain had her northern question with Russia, as her southern with the United States. He could see a motive for the United States desiring to stop the settlements of Great Britain southward; but he had not before known of their desire to stop them northward, and, above all, over limits conceded to Russia. It was to this effect that his suggestions went. He threw out no dissent to the plan of joint usufruction between the three powers of the country westward of the Stony Mountains for the period of time proposed.

In the course of my remarks I said that the United States no longer regarded any part of that coast as open to European colonization, but only to be used for purposes of traffic with the natives and for fishing in the neighboring seas; that we did not know that Great Britain had ever advanced any claim whatever to territory there founded on occupation prior to the Nootka Sound controversy; that under the treaties of 1763 her territorial rights in America were bounded westward by the Mississippi; that if the Northwest and Hudson's Bay Companies now had settlements as high up as 54° or 55° we suppose it to be as much as could be shown, and were not aware how Great Britain could make good her claims any further; that Spain, on the contrary, had much larger claims on that coast by right of discovery, and that to the whole extent of these the United States had succeeded by the Florida treaty; that they were willing, however, waiving for the present the full advantage of these claims, to forbear all settlements north of 51°, as that limit might be sufficient to give them the benefit of all the waters of the Columbia River; but that they would expect Great Britain to abstain from coming south of that limit or going above 55°, the latter parallel being taken as that beyond which it was not imagined that she had any actual settlements. The same parallel was proposed for the southern limit of Russia as the boundary within which the Emperor Paul had granted certain commercial privileges to his Russian American Company in 1799; but that, in fixing upon this line as regarded Russia, it was not the intention of the United States to deprive themselves of the right of traffic with the natives above it and still less to concede to that power any system of colonial exclusion above it.

Such was the general character of my remarks which Mr. Canning said he would take into due consideration. In conclusion I said to him that I should reserve myself for the negotiation itself for such further elucidations of the subject as might tend to show the justice and reasonableness of our propositions.

I have the honor to be, etc.,

RICHARD RUSH.

Hon. JOHN QUINCY ADAMS,
Secretary of State.

No. 43.] ST. PETERSBURG, *17th February, 1st March, 1825.*
(Received May 2.)

SIR: I have the honor to acquaint you that a convention was signed yesterday between the Russian and British plenipotentiaries relative to navigation, fisheries, and commerce in the Great Ocean, and to territorial demarcation upon the Northwest Coast of America. In a conversation held this day with Mr. Stratford Canning I have learned that this treaty is modeled in a great degree upon that which was signed by me in the month of April last, and that its provisions are as follows, to wit:

The freedom of navigation and fishery throughout the Great Ocean and upon all its Coasts; the privilege of landing at all unoccupied points; that of trading with the natives; and the special privileges of reciprocal trade and navigation secured for ten years upon the northwest Coast of America, together with the mutual restrictions prohibiting the trading in firearms or spirituous liquors, are all stipulated in the British as in the American Treaty; and some new provisions are made for the privilege of refitting vessels in the respective Ports, and no higher duties are to be imposed than upon National Vessels.

The third article of this convention establishes the line of demarkation between the possessions of the two powers upon the Continent and Islands, as follows: It begins at the southernmost point of Prince of Wales's Island (about 54° 40′), leaving the whole of that island to Russia. It follows the strait called Portland Passage up to the fifty-sixth degree; then turns eastward upon that latitude until it touches the highest ridge of the chain of mountains lying contiguous to and nearly parallel with the coast; it follows that ridge up to the sixtieth degree, and then takes the direction of that degree of latitude until its intersection with the one hundred and forty-first degree of longitude west of Greenwich; thence it follows that meridian north to the Icy Sea. But in case the ridge of the Mountain lying parallel with the Coast shall be more than 10 marine leagues from the Shores of the Continent, then the distance of 10 marine leagues from the Shore is to be considered as the boundary of the Russian possessions upon the Continent.

I beg leave here to repeat an opinion I ventured to express in my dispatch No. 38, respecting the policy of establishing a Post upon the Continent somewhere within the Straits of Fuca. The most valuable part of the furs procured upon the northwest Coast is obtained in the interior Seas running around the cluster of Islands bordering the Coast. I should consider such a post as more important in many points of view than one upon Columbia River, and as likely to have a most decisive influence in securing an advantageous settlement of limits with England, who will be anxious, now that her northern limit is established, to settle her southern boundary upon that Coast.

I have the honor to be, sir, very faithfully, your obedient servant,
HENRY MIDDLETON.

The SECRETARY OF STATE.

NOTE.—For Mr. Middleton's full report of the negotiation of the treaty of 1824, and for further correspondence relative to the ukase of 1821 and the treaties of 1824 and 1825, see American State Papers, Foreign Relations, vol. v, pp. 457–462.

CORRESPONDENCE BETWEEN THE UNITED STATES AND GREAT BRITAIN RELATIVE TO THE SEIZURE OF BRITISH SEALING VESSELS IN BERING SEA IN 1886 AND 1887.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *September 27, 1886.*
(Received September 28.)

SIR: I have the honor to inform you that Her Majesty's Government have received a telegram from the commander-in-chief of Her Majesty's naval forces on the Pacific station respecting the alleged seizure of three British Columbian seal schooners by the United States revenue cruiser *Corwin*, and I am in consequence instructed to request to be furnished with any particulars which the United States Government may posses relative to this occurrence.

I have, etc.,

L. S. SACKVILLE WEST.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *October 21, 1886.*
(Received October 22.)

SIR: With reference to my note of the 27th ultimo, requesting to be furnished with any particulars which the United States Government may possess relative to the seizure in the North Pacific waters of three British Columbian seal schooners by the United States revenue cruiser *Corwin*, and to which I am without reply, I have the honor to inform you that I am now instructed by the Earl of Iddesleigh, Her Majesty's principal secretary of state for foreign affairs, to protest in the name of Her Majesty's Government against such seizure, and to reserve all rights to compensation.

I have, etc.,

L. S. SACKVILLE WEST.

Earl of Iddesleigh to Sir L. S. Sackville West.[1]

FOREIGN OFFICE, *October 30, 1886.*

SIR: Her Majesty's Government are still awaiting a report on the result of the application which you were directed by my dispatch No. 181, of the 9th ultimo, to make to the Government of the United States for information in regard to the reported seizure by the United States revenue cutter *Corwin* of three Canadian schooners while engaged in the pursuit of seals in Berhing's Sea.

In the meanwhile further details in regard to these seizures have been sent to this country, and Her Majesty's Government now consider it incumbent on them to bring to the notice of the United States Government the facts of the case as they have reached them from British sources.

[1] Left at the Department of State by Sir L. S. Sackville West November 12, 1886.

It appears that the three schooners, named respectively the *Carolina*, the *Onward*, and the *Thornton*, were fitted out in Victoria, British Columbia, for the capture of seals in the waters of the Northern Pacific Ocean, adjacent to Vancouver's Island, Queen Charlotte Islands, and Alaska.

According to the depositions inclosed herewith[1] from some of the officers and men, these vessels were engaged in the capture of seals in the open sea, out of sight of land, when they were taken possession of, on or about the 1st August last, by the United States revenue cutter *Corwin*—the *Carolina* in latitude 55° 50′ north, longitude 168° 53′ west; the *Onward* in latitude 50° 52′ north, longitude 167° 55′ west; and the *Thornton* in about the same latitude and longitude.

They were all at a distance of more than 60 miles from the nearest land at the time of their seizure, and on being captured were towed by the *Corwin* to Oonalaska, where they are still detained. The crews of the *Carolina* and *Thornton*, with the exception of the captain and one man on each vessel detained at that port, were, it appears, sent by the steamer *St. Paul* to San Francisco, Cal., and then turned adrift, while the crew of the *Onward* were kept at Oonalaska.

At the time of their seizure the *Carolina* had 686 seal-skins on board, the *Thornton* 404, and the *Onward* 900, and these were detained, and would appear to be still kept at Oonalaska, along with the schooners, by the United States authorities.

According to information given in the Alaskan, a newspaper published at Sitka, in the Territory of Alaska, and dated the 4th September, 1886, it is reported:

(1) That the master and mate of the schooner *Thornton* were brought for trial before Judge Dawson, in the United States district court at Sitka, on the 30th August last.

(2) That the evidence given by the officers of the United States revenue cutter *Corwin* went to show that the *Thornton* was seized while in Bering Sea, about 60 or 70 miles south southeast of St. George Island, for the offense of hunting and killing seals within that part of Behring Sea which (it was alleged by the Alaskan newspaper) was ceded to the United States by Russia in 1867.

(3) That the judge in his charge to the jury, after quoting the first article of the treaty of the 30th March, 1867, between Russia and the United States, in which the western boundary of Alaska is defined, went on to say: "All the waters within the boundary set forth in this treaty to the western end of the Aleutian archipelago and chain of islands are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals must, therefore, attach against any violation of law within the limits heretofore described. If, therefore, the jury believe from the evidence that the defendants, by themselves or in conjunction with others, did, on or about the time charged in the information, kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal or animals on the shores of Alaska or in the Behring Sea east of 193° of west longitude, the jury should find the defendants guilty, and assess their punishment separately at a fine of not less than $200 nor more than $1,000, or imprisonment not more than six months, or by both such fine (within the limits herein set forth) and imprisonment."

(4) That the jury brought in a verdict of guilty against the prisoners, in accordance with which the master of the *Thornton*, Hans Guttounsen, was sentenced to imprisonment for thirty days, and to pay a fine of $500; and the mate of the *Thornton*, Norman, was sentenced to imprisonment for thirty days, and to pay a fine of $300; which terms of imprisonment are presumably now being carried into effect.

There is also reason to believe that the masters and mates of the *Onward* and *Carolena* have since been tried and sentenced to undergo penalties similar to those now being inflicted on the master and mate of the *Thornton*.

You will observe, from the facts given above, that the authorities of the United States appear to lay claim to the sole sovereignty of that part of Behring Sea lying east of the westerly boundary of Alaska, as defined in the first article of the treaty concluded between the United

[1] For inclosure see Senate Ex. Doc. No. 106, 50th Congress, 2d sess., p. 7, note.

States and Russia in 1867, by which Alaska was ceded to the United States, and which includes a stretch of sea extending in its widest part some 600 or 700 miles easterly [westerly?] from the mainland of Alaska.

In support of this claim, those authorities are alleged to have interfered with the peaceful and lawful occupation of Canadian citizens on the high seas, to have taken possession of their ships, to have subjected their property to forfeiture, and to have visited upon their persons the indignity of imprisonment.

Such proceedings, if correctly reported, would appear to have been in violation of the admitted principles of international law.

I request that you will, on the receipt of this dispatch, seek an interview with Mr. Bayard, and make him acquainted with the nature of the information with which Her Majesty's Government have been furnished respecting this matter, and state to him that they do not doubt that, if on inquiry it should prove to be correct, the Government of the United States will, with their well-known sense of justice, at once admit the illegality of the proceedings resorted to against the British vessels and the British subjects above mentioned, and will cause reasonable reparation to be made for the wrongs to which they have been subjected and for the losses which they have sustained.

Should Mr. Bayard desire it, you are authorized to leave with him a copy of this dispatch.

I am, etc.,

IDDESLEIGH.

Mr. Bayard to Sir L. S. Sackville West.

DEPARTMENT OF STATE,
Washington, November 12, 1886.

SIR: The delay in my reply to your letters of September 27 and October 21, asking for the information in my possession concerning the seizure by the United States revenue cutter *Corwin*, in the Behring Sea, of British vessels, for an alleged violation of the laws of the United States in relation to the Alaskan seal fisheries, has been caused by my waiting to receive from the Treasury Department the information you desired. I tender the fact in apology for the delay and as the reason for my silence, and, repeating what I said verbally to you in our conversation this morning, I am still awaiting full and authentic reports of the judicial trial and judgment in the cases of the seizures referred to.

My application to my colleague, the Attorney-General, to procure an authentic report of these proceedings was promptly made, and the delay in furnishing the report doubtless has arisen from the remoteness of the place of trial.

So soon as I am enabled I will convey to you the facts as ascertained in the trial and the rulings of law as applied by the court.

I take leave also to acknowledge your communication of the 21st of October, informing me that you had been instructed by the Earl of Iddesleigh, Her Majesty's principal secretary of state for foreign affairs, to protest against the seizure of the vessels above referred to, and to reserve all rights of compensation.

All of which shall receive respectful consideration.

I have, etc.,

T. F. BAYARD.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *December 7, 1886.*
(Received December 8.)

SIR: Referring to your note of the 12th instant [ultimo?] on the subject of the seizure of British vessels in the Behring Sea, and promising to convey to me as soon as possible the facts as ascertained in the trial and the rulings of law as applied by the court, I have the honor to state that vessels are now, as usual, equipping in British Columbia for fishing in that sea. The Canadian Government, therefore, in the absence of information, are desirous of ascertaining whether such vessels fishing in the open sea and beyond the territorial waters of Alaska would be exposed to seizure, and Her Majesty's Government at the same time would be glad if some assurance would be given that, pending the settlement of the question, no such seizures of British vessels will be made in Bering Sea.

I have, etc.,

L. S. SACKVILLE WEST.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *January 9, 1887.*
(Received January 10.)

SIR: I have the honor to inform you that I have received instructions from the Earl of Iddesleigh, Her Majesty's principal secretary of state for foreign affairs, again to bring to your notice the grave representations made by Her Majesty's Government respecting the seizure of the British vessels *Carolena*, *Onward*, and *Thornton* in Behring Sea by the United States cruiser *Corwin*, to which no reply has as yet been received.

On the 27th of September last I had the honor to address to you a note, in which I stated that her Majesty's Government requested to be furnished with any particulars which the United States Government might possess relative to this occurrence.

On the 21st of October last I had the honor to inform you that I was instructed by the Earl of Iddesleigh to protest in the name of Her Majesty's Government against such seizures, and to reserve all rights to compensation.

In a note dated the 12th of November last you were good enough to explain the delay which had occurred in answering these communications, and on the same day I had the honor to communicate to you a dispatch from the Earl of Iddesleigh, a copy of which, at your request, I placed in your hands.

On the 7th ultimo I again had the honor to address you, stating that vessels were equipping in British Columbia for fishing in Behring Sea, and that the Canadian Government were desirous of ascertaining whether such vessels fishing in the open sea and beyond the territorial waters of Alaska would be exposed to seizure, and that Her Majesty's Government would be glad if some assurance could be given that pending the settlement of the questions no such seizures of British vessels would be made in Behring Sea.

The vessels in question were seized at a distance of more than 60 miles from the nearest land at the time of their seizure. The master of

the *Thornton* was sentenced to imprisonment for thirty days, and to pay a fine of $500, and there is reason to believe that the masters of the *Onward* and *Carolena* have been sentenced to similar penalties.

In support of this claim to jurisdiction over a stretch of sea extending in its widest part some 600 or 700 miles from the mainland, advanced by the judge in his charge to the jury, the authorities are alleged to have interfered with the peaceable and lawful occupation of Canadian citizens on the high seas; to have subjected their property to forfeiture and to have visited upon their persons the indignity of imprisonment. Such proceedings therefore, if correctly reported, appear to have been in violation of the admitted principles of international law.

Under these circumstances Her Majesty's Government do not hesitate to express their concern at not having received any reply to their representations, nor do they wish to conceal the grave nature which the case has thus assumed, and to which I am now instructed to call your immediate and most serious attention. It is unnecessary for me to allude further to the information with which Her Majesty's Government have been furnished respecting these seizures of British vessels in the open seas, and which for sometime past has been in the possession of the United States Government, because Her Majesty's Government do not doubt that if, on inquiry, it should prove to be correct, the Government of the United States will, with their well-known sense of justice, admit the illegality of the proceedings resorted to against the British vessels and the British subjects above mentioned, and will cause reasonable reparation to be made for the wrongs to which they have been subjected and for the losses which they have sustained.

In conclusion, I have the honor again to refer to your note of the 12th of November last, and to what you said verbally to me on the same day, and to express the hope that the cause of the delay complained of in answering the representations of Her Majesty's Government on this grave and important matter may be speedily removed.

I have, etc.,

L. S. SACKVILLE WEST.

Mr. Bayard to Sir L. S. Sackville West.

DEPARTMENT OF STATE,
Washington, January 12, 1887.

SIR: Your note of the 9th instant was received by me on the next day, and I regret exceedingly that, although my efforts have been diligently made to procure from Alaska the authenticated copies of the judicial proceedings in the cases of the British vessels *Carolena*, *Onward*, and *Thornton*, to which you refer, I should not have been able to obtain them in time to have made the urgent and renewed application of the Earl of Iddesleigh superfluous.

The pressing nature of your note constrains me to inform you that on September 27 last, when I received my first intimation from you that any question was possible as to the validity of the judicial proceedings referred to, I lost no time in requesting my colleague, the Attorney-General, in whose department the case is, to procure for me such authentic information as would enable me to make full response to your application.

From week to week I have been awaiting the arrival of the papers,

and to-day, at my request, the Attorney-General has telegraphed to Portland, Oregon, the nearest telegraph station to Sitka, in Alaska, in order to expedite the furnishing of the desired papers.

You will understand that my wish to meet the questions involved in the instructions you have received from your Government is averred, and that the delay has been enforced by the absence of requisite information as to the facts.

The distance of the vessels from any land or the circumstances attendant upon their seizure are unknown to me save by the statements in your last note, and it is essential that such facts should be devoid of all uncertainty.

Of whatever information may be in the possession of Her Majesty's Government I have, of course, no knowledge or means of knowledge, but this Department of the Government of the United States has not yet been placed in possession of that accurate information which would justify its decision in a question which you are certainly warranted in considering to be of grave importance.

I shall diligently endeavor to procure the best evidence possible of the matters inquired of, and will make due response thereupon when the opportunity of decision is afforded to me.

You require no assurance that no avoidance of our international obligations need be apprehended.

I have, etc.,

T. F. BAYARD.

Sir L. S. Sackville West to Mr. Bayard.

BRITISH LEGATION,
Washington, February 1, 1887. (Received February 2.)

SIR: With reference to your note of the 12th ultimo, I have the honor to inform you that under date of the 27th ultimo the Marquis of Salisbury instructs me to inquire whether the information and papers relative to the seizure of the British schooners *Carolena*, *Onward*, and *Thornton* have reached the United States Government.

I have, etc.,

L. S. SACKVILLE WEST.

Mr. Bayard to Sir L. S. Sackville West.

DEPARTMENT OF STATE,
Washington, February 3, 1887.

SIR: I beg to acknowledge your note of yesterday's date, received to-day.

Upon its receipt I made instant application to my colleague, the Attorney-General, in relation to the record of the judicial proceedings in the cases of the three British vessels arrested in August last in Behring Sea for violation of the United States laws regulating the Alaskan seal fisheries.

I am informed that the documents in question left Sitka on the 26th of January, and may be expected to arrive at Port Townsend, in Wash-

ington Territory, about the 7th instant, so that the papers, in the usual course of mail, should be received by me within a fortnight.

In this connection I take occasion to inform you that, without conclusion at this time of any questions which may be found to be involved in these cases of seizure, orders have been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith.[1]

I have, etc.,

T. F. BAYARD.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *February 4, 1887.*
(Received February 5.)

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, informing me that without conclusion at this time of any questions which may be found to be involved in the cases of seizure of British vessels in Behring Sea, orders have been issued, by the President's direction, for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith.

I have, etc.,

L. S. SACKVILLE WEST.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *April 4, 1887.*
(Received April 4.)

SIR: In view of the approaching fishing season in Behring Sea and the fitting out of vessels for fishing operations in those waters, Her Majesty's Government have requested me to inquire whether the owners of such vessels may rely on being unmolested by the cruisers of the United States when not near land.

Her Majesty's Government also desires to know whether the documents referred to in your note of the 3d of February last connected with the seizure of certain British vessels beyond the three-mile limit and legal proceedings connected therewith have been received. And I have the honor therefore to request you to be good enough to enable me to reply to these inquiries on the part of Her Majesty's Government with as little delay as possible.

I have, etc.,

L. S. SACKVILLE WEST.

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[1] For further correspondence in reference hereto, see Senate Ex. Doc. No. 106, 50th Congress, 2d sess, p. 56 *et seq.*

Mr. Bayard to Sir L. S. Sackville West.

DEPARTMENT OF STATE,
Washington, April 12, 1887.

SIR: I have the honor to acknowledge your note of the 4th instant relative to the fisheries in Behring Sea, and inquiring whether the documents referred to in my note of February 3, relating to the cases of seizure in those waters of vessels charged with violating the laws of he United States regulating the killing of fur seals, had been received.

The records of the judicial proceedings in the cases in the district court in Alaska referred to, were only received at this Department on Saturday last, and are now under examination.

The remoteness of the scene of the fur-seal fisheries and the special peculiarities of that industry have unavoidably delayed the Treasury officials in framing appropriate regulations and issuing orders to United States vessels to police the Alaskan waters for the protection of the fur seals from indiscriminate slaughter and consequent speedy extermination.

The laws of the United States in this behalf are contained in the Revised Statutes relating to Alaska, in sections 1956–1971, and have been in force for upwards of seventeen years; and prior to the seizures of last summer but a single infraction is known to have occurred, and that was promptly punished.

The question of instructions to Government vessels in regard to preventing the indiscriminate killing of fur seals is now being considered, and I will inform you at the earliest day possible what has been decided, so that British and other vessels visiting the waters in question can govern themselves accordingly.

I have, etc.,

T. F. BAYARD.

(For inclosures, see Senate Ex. Doc. No. 106, 50th Congress, 2nd Sess., pp. 14–16.)

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *July 8, 1887.* (Received July 9.)

SIR: With reference to your note of the 12th April, stating that the records of the judicial proceedings in the cases of the British vessels seized in the Behring Sea had been received, I have the honor to inform you that the Marquis of Salisbury has instructed me to request you to be good enough to furnish me with a copy of the same for the information of Her Majesty's Government.

I have, etc.,

L. S. SACKVILLE WEST.

Mr. Bayard to Sir L. S. Sackville West.

DEPARTMENT OF STATE,
Washington, July 11, 1887.

SIR: Complying with the request contained in your note of the 8th instant, conveyed to me under the instructions of your Government, I

have the honor to inclose you two printed copies of the judicial proceedings in the United States district court for the District of Alaska in the several cases of libel against the schooners *Onward*, *Carolena*, and *Thornton*, for killing fur seals in Alaskan waters.

Accept, etc.,

T. F. BAYARD.

(For inclosure see Senate Ex. Doc. No. 106, 50th Congress, 2d session, pp. 17–48.)

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *August 11, 1887.* (Received August 12.)

SIR: I have the honor to inform you that Her Majesty's Government have received a telegram from the commander-in-chief of Her Majesty's naval forces in the Pacific, dated Victoria, British Columbia, August 7, reporting the seizure by United States cruisers of three British Columbian sealing schooners in Behring Sea, a long distance from Sitka, and that several other vessels were in sight being towed in.

In conveying this information to you, I am requested at the same time by the Marquis of Salisbury to state that, in view of the assurances given in your note of the 3d of February last, Her Majesty's Government had assumed that pending the conclusion of discussions between the two Governments on general questions involved, no further seizures would be made by order of the United States Government.

I have, etc.,

L. S. SACKVILLE WEST.

Mr. Bayard to Sir L. S. Sackville West.

DEPARTMENT OF STATE,
Washington, August 13, 1887.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, received yesterday afternoon, informing me of a telegraphic communication from the commander-in-chief of Her Majesty's naval forces in the Pacific, dated at Victoria, British Columbia, August 7, reporting the seizure of three British Columbian sealing schooners "in Behring Sea, a long distance from Sitka," and that "several other vessels were in sight being towed in."

The reference to my note to you of the 3d of February last, which you make under the instruction of the Marquis of Salisbury, has caused me to examine the expressions contained therein, and I can discover no ground whatever for the assumption by Her Majesty's Government that it contained assurances "that pending the conclusion of discussions between the two Governments on general questions involved, no further seizures would be made by order of the United States Government."

Until your note of the 11th instant was received, I had no information of the seizure of the sealing vessels therein referred to, and have no knowledge whatever of the circumstances under which such seizures have been made.

I shall at once endeavor to supply myself with the information necessary to enable me to reply to you more fully.

The cases of seizure referred to in my note of February 3, 1887, had occurred during the previous August, and upon the basis of the information then obtained I wrote you as follows:

In this connection I take the occasion to inform you that, without conclusion at this time of any questions which may be found to be involved in these cases of seizure, orders have been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith.

Having no reason to anticipate any other seizure, nothing was said in relation to the possibility of such an occurrence, nor do I find in our correspondence on the subject any grounds for such an understanding as you inform me had been assumed to exist by Her Britannic Majesty's Government.

A short time since, when you called upon me and personally obtained copies of the record of the judicial proceedings in the three cases of seizure in August last in Behring Sea, nothing was said in relation to other cases. Whether the circumstances attendant upon the cases which you now report to me are the same as those which induced the Executive to direct the releases referred to, remains hereafter to be ascertained, and this with as little delay as the circumstances will permit.

I have, etc.,

T. F. BAYARD.

Marquis of Salisbury to Sir L. S. Sackville West.

[Left at the Department of State by Sir L. S. Sackville West, September 23, 1887.]

FOREIGN OFFICE, *September 10, 1887.*

SIR: By a dispatch of the 30th October last (No. 214) the late Earl of Iddesleigh instructed you to call the attention of the United States Secretary of State to the circumstances of the seizure in Behring's Sea, by the American cruiser *Corwin*, of some British Canadian vessels; and his lordship directed you to state to Mr. Secretary Bayard that Her Majesty's Government felt sure that if the proceedings which were reported to have taken place in the United States district court were correctly described the United States Government would admit their illegality, and would cause reasonable reparation to be made to the British subjects for the wrongs to which they had been subjected and for the losses which they had sustained.

By a previous dispatch of the 9th September, you had been desired to ask to be furnished with any particulars which the United States Government might possess relative to the seizures in question; and on the 10th October you were instructed to enter a protest on behalf of Her Majesty's Government, and reserve for consideration hereafter all rights to compensation.

Nearly four months having elapsed without any definite information being furnished by the United States Government as to the grounds of the seizures, my predecessor instructed you, on the 8th of June [January?] last, to express to Mr. Bayard the concern of Her Majesty's Government at the delay, and to urge the immediate attention of the

United States Government to the action of the American authorities in their treatment of these vessels and of their masters and crews.

On the 3d February Mr. Bayard informed you that the record of the judicial proceedings which he had called for was shortly expected to reach Washington, and that, without conclusion at that time of any questions which might be found to be involved in these cases of seizures, orders had been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith.

On the 4th of April, under instructions from me, you inquired of Mr. Bayard, in view of the approaching fishing season in Behring's Sea, whether the owners of British vessels might rely when not near land on being unmolested by the cruisers of the United States, and you again asked when the record of the judicial proceedings might be expected.

Mr. Bayard informed you, in reply (12th April), that the papers referred to had reached him and were being examined; that there had been unavoidable delay in framing appropriate regulations and issuing orders to the United States vessels to police the Alaskan waters; that the Revised Statutes relating to Alaska, sections 1956 and 1974, contained the laws of the United States in relation to the matter; and that the regulations were being considered, and he would inform you at the earliest day possible what had been decided, so that British and other vessels might govern themselves accordingly.

In view of the statements made by Mr. Bayard in his note of the 3d February, to which I have referred above, Her Majesty's Government assumed that, pending a conclusion of the discussion between the two Governments on the general question involved, no further similar seizures of British vessels would be made by order of the United States Government. They learn, however, from the contents of Mr. Bayard's note of the 13th ultimo, inclosed in your dispatch, No. 245, of the 15th ultimo, that such was not the meaning which he intended should be attached to his communication of the 3d February; and they deeply regret to find a proof of their misinterpretation of the intentions of the United States Government from an announcement recently received from the commander-in-chief of Her Majesty's naval forces in the Pacific, that several more British vessels engaged in seal hunting in Behring's Sea have been seized when a long distance from land by an American revenue vessel.

Her Majesty's Government have carefully considered the transcript record of the judicial proceedings in the United States district court in the several cases of the schooners *Carolina*, *Onward*, and *Thornton*, which were communicated to you in July, and were transmitted to me in your dispatch, No. 196, of the 12th of that month, and they can not find in them any justification for the condemnation of those vessels.

The libels of information allege that they were seized for killing fur seal within the limits of Alaska Territory, and in the waters thereof, in violation of section 1956 of the Revised Statutes of the United States; and the United States Naval Commander Abbey certainly affirmed that the vessels were seized within the waters of Alaska and the Territory of Alaska, but according to his own evidence, they were seized 75, 115, and 70 miles, respectively, south-southwest of St. George's Island.

It is not disputed, therefore, that the seizures in question were effected at a distance from land far in excess of the limit of maritime jurisdiction, which any nation can claim by international law, and it is hardly necessary to add that such limit can not be enlarged by any municipal law.

The claim thus set up appears to be founded on the exceptional title said to have been conveyed to the United States by Russia at the time of the cession of the Alaska Territory.

The pretention which the Russian Government at one time put forward to exclusive jurisdiction over the whole of Behring Sea was, however, never admitted either by this country or the United States of America. On the contrary, it was strenuously resisted, as I shall presently show, and the American Government can hardly claim to have received from Russia rights which they declared to be inadmissable when asserted by the Russian Government. Nor does it appear from the text of the treaty of 1867 that Russia either intended or purported to make any such grant, for by Article I of that instrument Russsia agreed to cede to the United States all the territory and dominion then possessed by Russia "on the continent of America and in the adjacent islands" within certain geographical limits described, and no mention was made of any exclusive right over the waters of Behring Sea.

Moreover, whatever rights as regards their respective subjects and citizens may be reciprocally conferred on the Russian and American Governments by treaty stipulation, the subjects of Her Majesty can not be thereby affected, except by special arrangement with this country.

With regard to the exclusive claims advanced in times past by Russia, I transmit to you documents communicated to the United States Congress in 1822, which show the view taken by the American Government of these pretentions.

In 1821 the Emperor of Russia had issued an edict establishing "rules for the limits of navigation and order of communication along the coast of the eastern Siberia, the northwestern coast of America, and the Aleutian, Kurile, and other islands."

The first section of the edict said:

> The pursuit of commerce, whaling, and fishing, and of all other industry on all islands, ports, and gulfs, including the whole of the northwest coast of America, beginning from Behring Straits to the 51st degree of northern latitude; also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring Straits to the south cape of the Island of Urup, viz, to the 45° 50′ of northern latitude, is exclusively granted to Russian subjects.

And section 2 stated:

> It is, therefore, prohibited to all foreign vessels, not only to land on the coast and islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo.

A copy of these regulations was officially communicated to the American Secretary of State by the Russian minister at Washington on the 11th February, 1822, whereupon Mr. Quincy Adams, on the 25th of that month, after informing him that the President of the United States had seen with surprise the assertion of a territorial claim on the part of Russia extending to the fifty-first degree of north latitude on the American continent, and a regulation interdicting to all commercial vessels other than Russian upon the penalty of seizure and confiscation the approach upon the high seas within 100 Italian miles of the shores to which that claim was made to apply, went on to say that it was expected, before any act which should define the boundary between the territories of the United States and Russia, that the same would have been arranged by treaty between the parties, and that "to exclude the vessels of American citizens from the shore beyond the ordinary distance to which territorial jurisdiction extended has excited still greater surprise;" and Mr. Adams asked whether the Russian minister was authorized to give explanations of the "ground of right upon principles

generally recognized by the laws and usages of nations which can warrant the claims and regulations."

The Russian minister in his reply, dated the 28th February, after explaining how Russia had acquired her possessions in North America, said:

I ought, in the last place, to request you to consider, sir, that the Russian possessions in the Pacific Ocean extend on the northward coast of America from Behring's Strait to the 51st degree of north latitude, and on the opposite side of Asia and the islands adjacent from the same strait to the 45th degree. The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to shut seas (*'mers fermées'*), and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners; but it preferred only asserting its essential rights without taking advantage of localities.

On the 30th March Mr. Adams replied to the explanations given by the Russian minister. He stated that, with respect to the pretension advanced in regard to territory, it must be considered not only with reference to the question of territorial rights, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within 100 Italian miles of the coasts. That from the period of the existence of the United States as an independent nation their vessels had freely navigated these seas, the right to navigate them being a part of that independence; and with regard to the suggestion that "the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea, 'because it claims territory both on its American and Asiatic shores,' it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than 90° of longitude or 4,000 miles." Mr. Adams concluded as follows:

The President is persuaded that the citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights.

The convention between the United States of America and Russia of the 17th April, 1824, put an end to any further pretension on the part of Russia to restrict navigation or fishing in Behring Sea so far as American citizens were concerned; for by Article 1 it was agreed that in any part of the Great Ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the high contracting powers shall neither be disturbed nor restrained, either in navigation or fishing, saving certain restrictions which are not material to the present issue; and a similar stipulation in the convention between this country and Russia in the following year (15th May, 1825), put an end as regarded British subjects to the pretensions of Russia to which I have referred, and which had been entirely repudiated by Her Majesty's Government in correspondence with the Russian Government in 1821 and 1822, which for your more particular information I inclose herein.

Her Majesty's Government feel sure that, in view of the considerations which I have set forth in this dispatch, which you will communicate to Mr. Bayard, the Government of the United States will admit that the seizure and condemnation of these British vessels and the imprisonment of their masters and crews were not warranted by the circumstances, and that they will be ready to afford reasonable compensation to those who have suffered in consequence, and issue immediate instructions to their naval officers which will prevent a recurrence of these regrettable incidents.

I am, etc.,

SALISBURY.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *October 4, 1887.* (Received October 5.)

SIR: I have the honor to inclose herewith a letter addressed to the United States district attorney and United States marshal at Sitka, which has been forwarded to me by the governor-general of Canada for transmission to you.

Lord Lansdowne states that this letter came into the possession of the Canadian Government through the captain of the sealing schooner *Alfred Adams*, to whom it was given by the first lieutenant of the United States revenue-cutter *Richard Rush*, after boarding the said schooner and confiscating the skins and arms contained in her.

His excellency adds, by way of explanation, that the envelope of the letter which is described by the minister of marine in the report transmitting it as sealed and unopened appears to have been worn through at one end in transmission by post.

I have, etc.,

L. S. SACKVILLE WEST.

[Inclosure.]

Captain Shepard to the United States district attorney and United States marshal of Alaska.

U. S. REVENUE STEAMER RUSH,
Behring Sea, August 6, 1887.

GENTLEMEN: I have the honor to inform you that I have this day seized the British schooner *Alfred Adams*, of Victoria, B. C., W. H. Dyer, master, and Hugh McKay, of Victoria, B. C., managing owner, for violation of law, section 1956, Revised Statutes.

I have taken the seal skins (which will be delivered to the United States deputy marshal at Oonalaska) and his arms on board the United States revenue steamer *Rush*, and ordered the captain to proceed with his vessel to Sitka, Alaska, and on his arrival to set his crew at liberty, and to report in person to you, and I have to request that you will take charge of this vessel and her officers until I can appear in the United States district court against them, about September 1 next.

I am, etc.,

L. G. SHEPARD,
Captain United States Revenue Marine.

Mr. Bayard to Mr. Garland.

DEPARTMENT OF STATE,
Washington, October 7, 1887.

SIR: I have the honor to transmit to you herewith, for your information, a copy of a note to this Department from the British minister at this capital, inclosing a letter, addressed to the United States district attorney and the United States marshal at Sitka; and stating the manner in which it reached the minister's hands.

I have, etc.,

T. F. BAYARD.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *October 12, 1887.*
(Received October 13.)

SIR: In connection with the representation which I was instructed to make to you respecting the seizure of the British schooners *Onward*, *Carolina*, and *Thornton*, by the United States cruiser *Corwin*, in Behring's Sea, I have the honor to inform you that I am now further instructed to make similar representations in the cases of the British Columbian vessels *Grace*, *Dolphin*, and *W. P. Sayward*, seized lately by the United States revenue-cutter *Richard Rush*, and at the same time, as in the cases of the *Onward*, *Carolina*, and *Thornton*, to reserve all rights to compensation on behalf of the owners and crews.

I am also instructed to point out to you that according to the deposition of the mate of the *W. P. Sayward*, a copy of which is inclosed, no seals had been taken by her crew in Behring's Sea, as is alleged in the libels of information filed on behalf of the United States district attorney in the district court of Alaska.

I have, etc.,

L. S. SACKVILLE WEST.

(For inclosure see Senate Ex. Doc. No. 106, Fiftieth Congress, second session, p. 56.)

Mr. Bayard to Sir L. S. Sackville West.

DEPARTMENT OF STATE,
Washington, October 13, 1887.

SIR: I have the honor to acknowledge your note of yesterday, in relation to the cases of seizure of the British schooners *Onward*, *Carolina*, and *Thornton*, in Behring Sea, by United States revenue vessels, in August, 1886, and also your instructions to include by similar representations the cases of the British Columbian vessels *Grace*, *Dolphin*, and *W. P. Sayward*, seized by the United States revenue authorities in Behring Sea, with notification that Her Britannic Majesty's Government reserves all right to compensation on behalf of the owners and crews of the above-mentioned vessels. The affidavit of the mate of the *W. P. Sayward* has been read, and the facts therein stated will be at once investigated.

I have, etc.,

T. F. BAYARD.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *October 19, 1887.* (Received October 21.)

SIR: I have the honor to inform you that I am instructed by the Marquis of Salisbury, Her Majesty's principal secretary of state for foreign affairs, to protest against the seizure of the Canadian vessel *Alfred Adams*, in Behring Seas, and against the continuation of similar proceedings by the United States authorities on the high seas.

I have, etc.,

L. S. SACKVILLE WEST.

Mr. Bayard to Sir L. S. Sackville West.

DEPARTMENT OF STATE,
Washington, October 22, 1887.

SIR: I had the honor of receiving last evening your note of the 19th instant, conveying the instruction to you by the Marquis of Salisbury that you should protest against the seizure of the Canadian vessel *Alfred Adams* in Behring Sea, and against the continuance of similar proceedings by the United States authorities on the high seas; and I have, etc.,

T. F. BAYARD.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *October 26, 1887.* (Received October 27.)

SIR: With reference to my note of the 19th instant, protesting against the seizure of the British schooner *Alfred Adams*, I have the honor to transmit to you herewith copy of the report of the Canadian minister of marine and fisheries and other papers relating thereto.

I have, etc.,

L. S. SACKVILLE WEST.

(For inclosure, see Senate Ex. Doc. No. 106, 50th Congress, 2d session, pp. 59–64. In this document will also be found further correspondence relating to the foregoing subject.)

CORRESPONDENCE RELATIVE TO PROPOSED INTERNATIONAL MEASURES FOR THE PROTECTION OF FUR-SEALS.

FRANCE.

Mr. Bayard to Mr. Vignaud.[1]

No. 256.] DEPARTMENT OF STATE,
Washington, August 19, 1887.

SIR: Recent occurrences have drawn the attention of this Department to the necessity of taking steps for the better protection of the fur-seal fisheries in Behring Sea.

Without raising any question as to the exceptional measures which the peculiar character of the property in question might justify this Government in taking, and without reference to any exceptional marine jurisdiction that might properly be claimed for that end, it is deemed advisable—and I am instructed by the President so to inform you—to attain the desired ends by international coöperation.

It is well known that the unregulated and indiscriminate killing of seals in many parts of the world has driven them from place to place, and, by breaking up their habitual resorts, has greatly reduced their number.

Under these circumstances, and in view of the common interest of all nations in preventing the indiscriminate destruction and consequent

[1] Identic instructions were sent to the United States ministers to Germany, Great Britain, Japan, Russia, and Sweden and Norway.

extermination of an animal which contributes so importantly to the commercial wealth and general use of mankind, you are hereby instructed to draw the attention of the Government to which you are accredited to the subject, and to invite it to enter into such an arrangement with the Government of the United States as will prevent the citizens of either country from killing seal in Behring Sea at such times and places, and by such methods as at present are pursued, and which threaten the speedy extermination of those animals and consequent serious loss to mankind.

The ministers of the United States to Germany, Sweden and Norway, Russia, Japan, and Great Britain have been each similarly addressed on the subject referred to in this instruction.

I am, etc.,

T. F. BAYARD.

Mr. McLane to Mr. Bayard.

No. 490.] LEGATION OF THE UNITED STATES,
Paris, October 22, 1887. (Received November 11.)

SIR: Referring to your No. 256, of August 19, instructing Mr. Vignaud to draw the attention of the French Government to the necessity of taking steps for the better protection of the fur-seal fisheries in Behring Sea, with a view of obtaining its coöperation with the United States in measures intended to reach that end, I have to state that Mr. Flourens is willing to consider favorably any project of international arrangement you may be disposed to submit concerning the matter.

I inclose herewith a translation of a note received from Mr. Flourens which explains his view. The note of September 17, to which he refers, is simply an acknowledgment.

I have, etc.,

ROBERT M. MCLANE.

[Inclosure with No. 490.—Translation.]

Mr. Flourens to Mr. McLane.

PARIS, *October 21, 1887.*

SIR: Mr. Vignaud was good enough to inform me on the 31st of August last that the United States Government was desirous of consulting with the principal nations interested, with the view of making regulations in regard to the seal fisheries in Behring Strait.

Referring to my communication of the 17th September last, I have the honor to inform you that, although the industry in question has not been engaged in by French shipowners up to the present time, the Government of the Republic is not the less disposed to confer for that purpose with the Government of the United States and to examine any draft of an international convention which may be communicated to it by the Cabinet at Washington.

I will be obliged to you if you will be kind enough to transmit this reply to the American Government.

Accept, etc.,

FLOURENS.

Mr. Bayard to Mr. McLean.

No. 271.] DEPARTMENT OF STATE,
Washington, November 18, 1887.

SIR: I have to acknowledge your No. 490, of the 22d ultimo, transmitting copy of a note of the 21st of October from Mr. Flourens, informing this Government of the willingness of the French Republic, though there are not many French ships engaged in the seal fisheries, to confer with us or to examine any draft of a convention intended to regulate those fisheries in Behring Straits.

This response of the French Government to our invitation is very satisfactory, and in due time further instructions on the subject will be sent you.

I am, etc.,

T. F. BAYARD.

Mr. Bayard to Mr. McLane.[1]

No. 293.] DEPARTMENT OF STATE,
Washington, February 7, 1888.

SIR: I inclose herewith, for your information, two printed copies of an instruction[2] of this date to E. J. Phelps, Esquire, United States minister at London, in response to a dispatch from him, in which it was stated that Lord Salisbury had expressed acquiescence in a proposal made by me for an agreement between the United States and Great Britain in regard to the adoption of concurrent regulations for the preservation of fur seals in Behring Sea from extermination by destruction at improper seasons and by improper methods by the citizens of either country.

I am, etc.,

T. F. BAYARD.

GERMANY.

Mr. Coleman to Mr. Bayard.

No. 498.] LEGATION OF THE UNITED STATES,
Berlin, September 1, 1887. (Received September 17.)

SIR: I have the honor to inclose herewith a copy of a note I have to-day addressed to the foreign office in execution of your instruction No. 246, of the 19th ultimo, relating to the necessity of measures being adopted for the better protection of the fur-seal fisheries in Behring Sea.

I have, etc.,

CHAPMAN COLEMAN.

[Inclosure with Mr. Coleman's No. 498.]

Mr. Coleman to Count von Berchem.

No. 311.] LEGATION OF THE UNITED STATES OF AMERICA,
Berlin, September 1, 1887.

The undersigned, chargé d'affaires *ad interim* of the United States of America, has the honor, acting under instructions from his Government, to inform Count von Ber-

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[1] Identic instructions were sent to the United States ministers to Germany, Russia, and Sweden and Norway.

[2] See *infra*, p. 172; see also Senate Ex. Doc. No. 106, Fiftieth Congress, second session, p. 88.

chem, under secretary of state in charge of the imperial foreign office, that recent occurrences have drawn the attention of that Government to the necessity of taking steps for the better protection of the fur-seal fisheries in Behring Sea.

Without raising any question as to the exceptional measures which the peculiar character of the property in question might justify the Government of the United States in taking, and without reference to any exceptional marine jurisdiction that might properly be claimed for that end, it has been deemed advisable to seek to attain the desired ends by international coöperation.

It is well known that the unregulated and indiscriminate killing of seals in many parts of the world has driven them from place to place, and by breaking up their habitual resorts has greatly reduced their number.

Under these circumstances and in view of the common interest of all nations in preventing the indiscriminate destruction and consequent extermination of an animal which contributes so importantly to the commercial wealth and general use of mankind, the Government of the United States has instructed the undersigned to present the subject to the attention of the Imperial Government, and to invite it to enter into such an arrangement with the Government of the United States as will prevent the citizens of either country from killing seals in Behring Sea at such times and places, and by such methods as at present are pursued, and which threaten the speedy extermination of those animals and consequent serious loss to mankind.

The undersigned begs to add that he has been informed by his Government that the ministers of the United States to Sweden and Norway, Russia, France, Great Britain, and Japan have been each similarly addressed on the subject referred to, and avails himself, etc.

CHAPMAN COLEMAN.

GREAT BRITAIN.

Mr. Phelps to Mr. Bayard.

No. 618.] LEGATION OF THE UNITED STATES,
London, November 12, 1887. (Received November 22.)

SIR: Referring to your instructions numbered 685, of August 19, 1887, I have now to say that owing to the absence from London of Lord Salisbury, secretary of state for foreign affairs, it has not been in my power to obtain his attention to the subject until yesterday.

I had then an interview with him, in which I proposed on the part of the Government of the United States that by mutual agreement of the two Governments a code of regulations should be adopted for the preservation of the seals in Behring Sea from destruction at improper times and by improper means by the citizens of either country; such agreement to be entirely irrespective of any questions of conflicting jurisdiction in those waters.

His lordship promptly acquiesced in this proposal on the part of Great Britain and suggested that I should obtain from my Government and submit to him a sketch of a system of regulations which would be adequate for the purpose.

I have therefore to request that I may be furnished as early as possible with a draft of such a code as in your judgment should be adopted.

I would suggest also that copies of it be furnished at the same time to the ministers of the United States in Germany, Sweden and Norway, Russia, France, and Japan, in order that it may be under consideration by the Governments of those countries. A mutual agreement between all the Governments interested may thus be reached at an early day.

I have, etc.,

E. J. PHELPS.

Mr. Bayard to Mr. Phelps.

No. 733.] DEPARTMENT OF STATE,
Washington, November 25, 1887.

SIR: Your No. 618, of the 12th instant, stating the result of your interviews with Lord Salisbury on the subject of the seal fisheries in Behring Sea, is received.

The favorable response to our suggestion of mutually agreeing to a code of regulations is very satisfactory, and the subject will have immediate attention.

I am, etc.,

T. F. BAYARD.

Mr. Bayard to Mr. Phelps.

No. 782.] DEPARTMENT OF STATE,
Washington, February 7, 1888.

SIR: I have received your No. 618, of the 12th of November last containing an account of your interview with Lord Salisbury of the preceding day, in which his lordship expressed acquiescence in my proposal of an agreement between the United States and Great Britain in regard to the adoption of concurrent regulations for the preservation of fur seals in Behring Sea from extermination by destruction at improper seasons and by improper methods by the citizens of either country.

In response to his lordship's suggestion that this Government submit a sketch of a system of regulations for the purpose indicated, it may be expedient, before making a definite proposition, to describe some of the conditions of seal life; and for this purpose it is believed that a concise statement as to that part of the life of the seal which is spent in Behring Sea will be sufficient.

All those who have made a study of the seals in Behring Sea are agreed that, on an average, from five to six months, that is to say, from the middle or toward the end of spring till the middle or end of October, are spent by them in those waters in breeding and in rearing their young. During this time they have their rookeries on the islands of St. Paul and St. George, which constitute the Pribilof group and belong to the United States, and on the Commander Islands, which belong to Russia. But the number of animals resorting to the latter group is small in comparison with that resorting to the former. The rest of the year they are supposed to spend in the open sea south of the Aleutian Islands.

Their migration northward, which has been stated as taking place during the spring and till the middle of June, is made through the numerous passes in the long chain of the Aleutian Islands, above which the courses of their travel converge chiefly to the Pribilof group. During this migration the female seals are so advanced in pregnancy that they generally give birth to their young, which are commonly called pups, within two weeks after reaching the rookeries. Between the time of the birth of the pups and of the emigration of the seals from the islands in the autumn the females are occupied in suckling their young; and by far the largest part of the seals found at a distance from the islands in Behring Sea during the summer and early autumn are females in search of food, which is made doubly necessary to enable them to suckle their young as well as to support a condition of renewed pregnancy, which begins in a week or a little more after their delivery.

The male seals, or bulls, as they are commonly called, require little food while on the islands, where they remain guarding their harems, watching the rookeries, and sustaining existence on the large amount of blubber which they have secreted beneath their skins and which is gradually absorbed during the five or six succeeding months.

Moreover, it is impossible to distinguish the male from the female seals in the water, or pregnant females from those that are not so. When the animals are killed in the water with firearms many sink at once and are never recovered, and some authorities state that not more than one out of three of those so slaughtered is ever secured. This may, however, be an overestimate of the number lost.

It is thus apparent that to permit the destruction of the seals by the use of firearms, nets, or other mischievous means in Bering Sea would result in the speedy extermination of the race. There appears to be no difference of opinion on this subject among experts. And the fact is so clearly and forcibly stated in the report of the inspector of fisheries for British Columbia of the 31st of December, 1886, that I will quote therefrom the following pertinent passage:

> There were killed this year, so far, from 40,000 to 50,000 fur seals, which have been taken by schooners from San Francisco and Victoria. The greater number were killed in Behring Sea, and were nearly all cows or female seals. This enormous catch, with the increase which will take place when the vessels fitting up every year are ready, will, I am afraid, soon deplete our fur-seal fishery, and it is a great pity that such a valuable industry could not in some way be protected. (Report of Thomas Mowat, inspector of fisheries for British Columbia; Sessional Papers, Vol. 15, No. 16, p. 268; Ottawa, 1887.)

The only way of obviating the lamentable result above predicted appears to be by the United States, Great Britain, and other interested powers taking concerted action to prevent their citizens or subjects from killing fur seals with firearms, or other destructive weapons, north of 50° of north latitude, and between 160° of longitude west and 170° of longitude east from Greenwich, during the period intervening between April 15 and November 1. To prevent the killing within a marine belt of 40 or 50 miles from the islands during that period would be ineffectual as a preservative measure. This would clearly be so during the approach of the seals to the islands. And after their arrival there such a limit of protection would also be insufficient, since the rapid progress of the seals through the water enables them to go great distances from the islands in so short a time that it has been calculated that an ordinary seal could go to the Aleutian Islands and back, in all a distance of 360 or 400 miles, in less than two days.

On the Pribilof Islands themselves, where the killing is at present under the direction of the Alaska Commercial Company, which by the terms of its contract is not permitted to take over 100,000 skins a year, no females, pups, or old bulls are ever killed, and thus the breeding of the animals is not interfered with. The old bulls are the first to reach the islands, where they await the coming of the females. As the young bulls arrive they are driven away by the old bulls to the sandy part of the islands, by themselves. And these are the animals that are driven inland and there killed by clubbing, so that the skins are not perforated, and discrimination is exercised in each case.

That the extermination of the fur seals must soon take place unless they are protected from destruction in Behring Sea is shown by the fate of the animal in other parts of the world, in the absence of concerted action among the nations interested for its preservation. Formerly many thousands of seals were obtained annually from the South Pacific Islands, and from the coasts of Chile and South Africa. They were also

common in the Falkland Islands and the adjacent seas. But in those islands, where hundreds of thousands of skins were formerly obtained, there have been taken, according to best statistics, since 1880, less than 1,500 skins. In some places the indiscriminate slaughter, especially by use of firearms, has in a few years resulted in completely breaking up extensive rookeries.

At the present time it is estimated that out of an aggregate yearly yield of 185,000 seals from all parts of the globe, over 130,000, or more than two-thirds, are obtained from the rookeries on the American and Russian islands in Behring Sea. Of the remainder, the larger part are taken in Behring Sea, although such taking, at least on such a scale, in that quarter is a comparatively recent thing. But if the killing of the fur seal there with firearms, nets, and other destructive implements were permitted, hunters would abandon other and exhausted places of pursuit for the more productive field of Behring Sea, where extermination of this valuable animal would also rapidly ensue.

It is manifestly for the interests of all nations that so deplorable a thing should not be allowed to occur. As has already been stated, on the Pribilof Islands this Government strictly limits the number of seals that may be killed under its own lease to an American company; and citizens of the United States have, during the past year, been arrested and ten American vessels seized for killing fur seals in Behring Sea.

England, however, has an especially great interest in this matter, in addition to that which she must feel in preventing the extermination of an animal which contributes so much to the gain and comfort of her people. Nearly all undressed fur-seal skins are sent to London, where they are dressed and dyed for the market, and where many of them are sold. It is stated that at least 10,000 people in that city find profitable employment in this work; far more than the total number of people engaged in hunting the fur seal in every part of the world. At the Pribilof Islands it is believed that there are not more than 400 persons so engaged; at Commander Islands, not more than 300; in the Northwest coast fishery, not more than 525 Indian hunters and 100 whites; and in the Cape Horn fishery, not more than 400 persons, of whom perhaps 300 are Chileans. Great Britain, therefore, in coöperating with the United States to prevent the destruction of fur seals in Behring Sea would also be perpetuating an extensive and valuable industry in which her own citizens have the most lucrative share.

I inclose for your information copy of a memorandum on the fur-seal fisheries of the world, prepared by Mr. A. Howard Clark, in response to a request made by this Department to the U. S. Fish Commissioner. I inclose also, for your further information, copy of a letter to me, dated December 3d last, from Mr. Henry W. Elliott, who has spent much time in Alaska, engaged in the study of seal life, upon which he is well known as an authority. I desire to call your especial attention to what is said by Mr. Elliott in respect to the new method of catching the seals with nets.

As the subject of this dispatch is one of great importance and of immediate urgency, I will ask that you give it as early attention as possible.

I am, etc.,

T. F. BAYARD.

(For inclosures see Senate Ex. Doc. No. 106, Fiftieth Congress, second session, pp. 90–96.)

Mr. Phelps to Mr. Bayard.

No. 690.] LEGATION OF THE UNITED STATES,
London, February 18, 1888. (Received February 28.)

SIR: I received yesterday your instruction No. 782, under date of February 7, relative to the Alaskan seal fisheries. I immediately addressed a note to Lord Salisbury, inclosing for his perusal one of the printed copies of the instruction, and requesting an appointment for an early interview on the subject.

I also sent a note to the Russian ambassador, and an interview with him is arranged for the 21st instant.

The whole matter will receive my immediate and thorough attention and I hope for a favorable result. Meanwhile I would ask your consideration of the manner in which you would propose to carry out the regulations of these fisheries that may be agreed upon by the countries interested. Would not legislation be necessary; and, if so, is there any hope of obtaining it on the part of Congress?

I have, etc.,

E. J. PHELPS.

Mr. Phelps to Mr. Bayard.

[Extract.]

No. 692.] LEGATION OF THE UNITED STATES,
London, February 25, 1888. (Received March 6.)

SIR: Referring to your instructions, numbered 782, of February 7, 1888, in reference to the Alaska seal fisheries, and to my reply thereto, numbered 690, of February 18, I have the honor to inform you that I have since had interviews on the subject with Lord Salisbury and with M. de Staal, the Russian ambassador.

Lord Salisbury assents to your proposition to establish, by mutual arrangement between the governments interested, a close time for fur seals, between April 15 and November 1, and between 160° of longitude west and 170° of longitude east, in the Behring Sea.

He will also join the United States Government in any preventive measures it may be thought best to adopt, by orders issued to the naval vessels in that region of the respective governments.

I have this morning telegraphed you for additional printed copies of instructions 782 for the use of Her Majesty's Government.

The Russian ambassador concurs, so far as his personal opinion is concerned, in the propriety of the proposed measures for the protection of the seals, and has promised to communicate at once with his Government in regard to it. I have furnished him with copies of instructions 782 for the use of his Government.

I have, etc.,

E. J. PHELPS.

Mr. Bayard to Mr. Phelps.

No. 810.] DEPARTMENT OF STATE,
Washington, March 2, 1888.

SIR: I have to acknowledge the receipt of your No. 690, of the 18th ultimo, in relation to the Alaskan seal fisheries, and have pleasure in observing the promptitude with which the business has been conducted.

It is hoped that Lord Salisbury will give it favorable consideration, as there can be no doubt of the importance of preserving the seal fisheries in Behring Sea, and it is also desirable that this should be done by an arrangement between the governments interested, without the United States being called upon to consider what special measures of its own the exceptional character of the property in question might require it to take in case of the refusal of foreign powers to give their cooperation.

Whether legislation would be necessary to enable the United States and Great Britain to carry out measures for the protection of the seals would depend much upon the character of the regulations; but it is probable that legislation would be required.

The manner of protecting the seals would depend upon the kind of arrangement which Great Britain would be willing to make with the United States for the policing of the seas and for the trial of British subjects violating the regulations which the two Governments may agree upon for such protection. As it appears to this Government, the commerce carried on in and about Behring Sea is so limited in variety and extent that the present efforts of this Government to protect the seals need not be complicated by considerations which are of great importance in highways of commerce and render the interference by the officers of one Government with the merchant vessels of another on the high seas inadmissible. But even in regard to those parts of the globe where commerce is extensively carried on, the United States and Great Britain have, for a common purpose, abated in a measure their objection to such interference and agreed that it might be made by the naval vessels of either country.

Reference is made to the treaty concluded at Washington on the 7th of April, 1862, between the United States and Great Britain for the suppression of the slave trade, under which the joint policing of the seas by the naval vessels of the contracting parties was provided for. In this convention no limitation was imposed as to the part of the high seas of the world in which visitation and search of the merchant vessels of one of the contracting parties might be made by a naval vessel of the other party. In the present case, however, the range within which visitation and search would be required is so limited, and the commerce there carried on so insignificant, that it is scarcely thought necessary to refer to the slave-trade convention for a precedent, nor is it deemed necessary that the performance of police duty should be by the naval vessels of the contracting parties.

In regard to the trial of offenders for violation of the proposed regulations, provision might be made for such trial by handing over the alleged offender to the courts of his own country.

A precedent for such procedure is found in the treaty signed at the Hague on May 6, 1882, for regulating the police of the North Sea fisheries, a copy of which is inclosed.

I am, etc.,

T. F. BAYARD.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *March 26, 1888.* (Received March 29.)

SIR: With reference to the proposal that concerted action be taken by Great Britain, the United States, and other interested powers, in order

to preserve from extermination the fur seals which at certain seasons are found in Behring Sea, I am requested by the Marquis of Salisbury to inform you that the Russian ambassador in London has been communicated with on the subject, and that he has referred to his Government for instructions. But in making this communication to you I am instructed to state that this action on the part of Her Majesty's Government must not be taken as an admission of the rights of jurisdiction in Behring Sea exercised there by the United States authorities during the fishing seasons of 1886–'87 and 1887–'88, nor as affecting the claims which Her Majesty's Government will have to present on account of the wrongful seizures which have taken place of British vessels engaged in the seal-fishing industry.

I have, etc.,

L. S. SACKVILLE WEST.

Mr. Bayard to Sir L. S. Sackville West.

DEPARTMENT OF STATE,
Washington, March 30, 1888.

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant in which you inform the Department that the action of Her Majesty's Government in respect to the proposal of this Government for an arrangement to protect the fur seal from extermination in Behring Sea, is not to be taken as an admission of the jurisdiction of the United States over Bering Sea, nor as affecting the claims which Her Majesty's Government will have to present on account of the seizure of certain British vessels in those waters.

I have, etc.,

T. F. BAYARD.

Sir L. S. Sackville West to Mr. Bayard.

WASHINGTON, *April 2, 1888.* (Received April 3.)

SIR: I have the honor to inform you that the Marquis of Salisbury has received intimation from the Canadian Government to the effect that orders have been issued by the United States Government for the capture of British ships fishing in Behring Sea, and that he has telegraphed to me to represent earnestly the extreme importance of enabling Her Majesty's Government to contradict this rumor.

I have, etc.,

L. S. SACKVILLE WEST.

Mr. White to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES,
London, April 7, 1888. (Received April 7.)

Mr. White stated that on the following Thursday he was to meet Lord Salisbury and M. de Staal to discuss the question of the protec-

tion of the seals. On April 7 he had had an interview on the subject with M. de Staal, from whom he learned that the Russian Government wished to include in the proposed arrangement that part of Behring Sea in which the Commander Islands are situated, and also the sea of Okhotsk. Mr. White supposed that the United States would not object to this.

Mr. White to Mr. Bayard.

No. 720.] LEGATION OF THE UNITED STATES,
London, April 7, 1888. (Received April 17.)

SIR: Referring to your instructions numbered 782 of February 7 and 810 of March 2, respecting the protection of seals in Behring Sea, I have the honor to acquaint you that I received a private note from the Marquis of Salisbury this morning stating that at the request of the Russian embassador he had appointed a meeting at the foreign office next Wednesday, 11th instant, "to discuss the question of a close time for the seal fishery in Behring Sea," and expressing a hope that I would make it convenient to be present, and I have replied that I shall be happy to attend.

Subsequently I saw M. de Staal, the Russian embassador, at his request. He referred to the interviews which Mr. Phelps had had with him, of which I was, of course, cognizant, and stated that his full instructions on the subject would not reach London until to-night or to-morrow, and that he was about to leave town until next Wednesday, but meanwhile he could say that his Government would like to have the regulations which might be agreed upon for Behring Sea extended to that portion of the latter in which the Commander Islands are situated, and also to the Sea of Okhotsk (in which Robben Island is situated).

As both these places are outside the limit laid down in your instruction numbered 782 (170° of longitude east from Greenwich), I have thought it best to send you the telegram, of which I inclose a copy herewith.[1]

I am etc.,

HENRY WHITE.

Mr. Bayard to Mr. White.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 9, 1888.

Mr. Bayard stated, in reply to Mr. White's telegram of April 7, that this Government did not object to the extension of the arrangement for the protection of the fur-seal fisheries to the whole of Behring Sea.

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[1] For inclosure see *supra*, p. 177.

Mr. Bayard to Mr. White.

[Extract.]

No. 849.] DEPARTMENT OF STATE,
Washington, April 18, 1888.

SIR: I have to acknowledge your No. 720 of the 7th instant, inclosing copy of your telegram of the same date, in which you informed the Department that Lord Salisbury, the Russian embassador, and yourself were to meet on Thursday, the 12th instant, to discuss the protection of seals, and that the Russian Government desired to include in the proposed arrangement that portion of Behring Sea in which Commander Islands are situated, and also the Sea of Okhotsk.

On the 9th instant I sent you a telegram stating that this Government did not object to the extension of the arrangement for the protection of the fur-seal fisheries to the whole of Behring Sea.

Owing to an error in transmission of your telegram, Okhotsk Sea did not appear to be included in the suggestion, but there is no objection to such inclusion.

I am, etc.,

T. F. BAYARD.

Mr. White to Mr. Bayard.

No. 725.] LEGATION OF THE UNITED STATES,
London, April 20, 1888. (Received April 30.)

SIR: Referring to your instructions Nos. 685, 782, and 810, to Mr. Phelps's dispatches Nos. 618 and 690, and to subsequent correspondence, I have the honor to acquaint you that I called at the foreign office on the 16th instant for the purpose of discussing with the Marquis of Salisbury and M. de Staal, the Russian embassador, the details of the proposed conventional arrangement for the protection of seals in Bering Sea.

M. de Staal expressed a desire, on behalf of his Government, to include in the area to be protected by the convention the Sea of Okhotsk, or at least that portion of it in which Robben Island is situated, there being, he said, in that region large numbers of seals, whose destruction is threatened in the same way as those in Behring Sea.

He also urged that measures be taken by the insertion of a clause in the proposed convention or otherwise, for prohibiting the importation, by merchant vessels, into the seal-protected area, for sale therein, of alcoholic drinks, firearms, gunpowder, and dynamite.

Lord Salisbury expressed no opinion with regard to the latter proposal, but, with a view to meeting the Russian Government's wishes respecting the waters surrounding Robben Island, he suggested that, besides the whole of Behring Sea, those portions of the Sea of Okhotsk and of the Pacific Ocean north of north latitude 47° should be included in the proposed arrangement.

His lordship intimated furthermore that the period proposed by the United States for a close time, April 15 to November 1, might interfere with the trade longer than absolutely necessary for the protection of the seals, and he suggested October 1, instead of a month later, as the termination of the period of seal protection.

I referred to the communications already made by Mr. Phelps on this subject to Lord Salisbury, and said that I should be obliged to refer to you the proposals which had just been made, before expressing an opinion with regard to them.

I have accordingly the honor to ask for instructions in reference to the same.

Meanwhile the Marquis of Salisbury promised to have prepared a draft convention for submission to the Russian embassador and to myself. I shall lose no time in forwarding to you a copy of this document when received.

I am, etc.,

HENRY WHITE.

Mr. Bayard to Mr. White.

No. 861.] DEPARTMENT OF STATE,
Washington, May 1, 1888.

SIR: Your dispatch No. 725 of the 20th ultimo stating the result of your interview with Lord Salisbury and the Russian embassador relative to the protection of seals in Behring Sea, and requesting further instructions as to their proposals, has been received.

As you have already been instructed, the Department does not object to the inclusion of the sea of Okhotsk, or so much of it as may be necessary, in the arrangement for the protection of the seals. Nor is it thought absolutely necessary to insist on the extension of the close season till the 1st of November.

Only such a period is desired as may be requisite for the end in view. But in order that success may be assured in the efforts of the various Governments interested in the protection of the seals, it seems advisable to take the 15th of October instead of the 1st as the date of the close season, although, as I am now advised, the 1st of November would be safer.

The suggestion made by Lord Salisbury that it may be necessary to bring other Governments than the United States, Great Britain, and Russia into the arrangement has already been met by the action of the Department, as I have heretofore informed you. At the same time the invitation was sent to the British Government to negotiate a convention for seal protection in Behring Sea, a like invitation was extended to various other powers, which have without exception returned a favorable response.

In order, therefore, that the plan may be carried out, the convention proposed between the United States, Great Britain, and Russia should contain a clause providing for the subsequent adhesion of other powers.

In regard to the suggestion of the Russian ambassador that the convention be made to cover the question of the sale of firearms and liquor to the natives on the coast in question, I am compelled to think, while in favor of restricting or prohibiting such sale, that it would be advisable to regulate the subject separately from the protection of the seals. It is possible that some Governments might readily assent to the latter object, while indisposed to accede to the former, and in that way lead to the defeat of the end first proposed by this Government.

I am, etc.,

T. F. BAYARD.

Mr. White to Mr. Bayard.

No. 786.] LEGATION OF THE UNITED STATES,
London, June 20, 1888. (Received June 30.)

SIR: I have the honor to inform you that I availed myself of an early opportunity to acquaint the Marquis of Salisbury and the Russian ambassador of the receipt of your instructions numbered 864, of May 3, and shortly afterwards (May 16) his excellency and I called together at the foreign office for the purpose of discussing with his lordship the terms of the proposed convention for the protection of seals in Behring Sea. Unfortunately Lord Salisbury had just received a communication from the Canadian Government stating that a memorandum on the subject would shortly be forwarded to London, and expressing a hope that pending the arrival of that document no further steps would be taken in the matter by Her Majesty's Government. Under these circumstances Lord Salisbury felt bound to await the Canadian memorandum before proceeding to draft the convention.

I have inquired several times whether this communication from Canada had been received, but it has not yet come to hand. I was informed to day by Lord Salisbury that an urgent telegram had been sent to Canada a week ago with respect to the delay in its expedition, and that a reply had been received by the secretary of state for the colonies stating that the matter would be taken up immediately. I hope, therefore, that shortly after Mr. Phelps's return this Government will be in a condition to agree upon the terms of the proposed convention.

I have the honor to inclose for your information the copy of a question asked by Mr. Gourley and answered by Sir James Fergusson in behalf of the British Government with respect to the seal fishing in Behring Sea.

I have, etc.,

HENRY WHITE.

(For inclosure see Senate Ex. Doc. No. 106, Fiftieth Congress, second session, p. 103.)

Mr. Phelps to Mr. Bayard.

No. 825.] LEGATION OF THE UNITED STATES,
London, September 12, 1888. (Received September 22.)

SIR: Referring to the subject of the Alaskan seal fisheries, and to the previous correspondence on the subject between the Department and this legation, I have now the honor to acquaint you with the purport of a conversation which I held with Lord Salisbury in regard to it on the 13th August.

Illness, which has incapaciated me from business during most of the interval, has prevented my laying it before you earlier.

One of the objects of the interview I then sought with his lordship was to urge the completion of the convention between the United States, Great Britain, and Russia, which under your instructions had previously been the subject of discussion between the secretary for foreign affairs, the Russian ambassador, and myself. This convention, as I have before advised you, had been virtually agreed on verbally, except in its details; and the Russian as well as the United States Government were

desirous to have it completed. The consideration of it had been suspended for communication by the British Government with the Canadian Government, for which purpose an interval of several months had been allowed to elapse. During this time the attention of Lord Salisbury had been repeatedly recalled to the subject by this legation, and on those occasions the answer received from him was that no reply from the Canadian authorities had arrived.

In the conversation on the 13th, above mentioned, I again pressed for the completion of the convention, as the extermination of the seals by Canadian vessels was understood to be rapidly proceeding. His lordship in reply did not question the propriety or the importance of taking measures to prevent the wanton destruction of so valuable an industry, in which, as he remarked, England had a large interest of its own, but said that the Canadian Government objected to any such restrictions, and that until its consent could be obtained, Her Majesty's Government was not willing to enter into the convention; that time would be requisite to bring this about, and that meanwhile the convention must wait.

It is very apparent to me that the British Government will not execute the desired convention without the concurrence of Canada. And it is equally apparent that the concurrence of Canada in any such arrangement is not to be reasonably expected. Certain Canadian vessels are making a profit out of the destruction of the seal in the breeding season in the waters in question, inhuman and wasteful as it is. That it leads to the speedy extermination of the animal is no loss to Canada, because no part of these seal fisheries belong to that country; and the only profit open to it in connection with them is by destroying the seal in the open sea during the breeding time, although many of the animals killed in that way are lost, and those saved are worth much less than when killed at the proper time.

Under these circumstances, the Government of the United States must, in my opinion, either submit to have these valuable fisheries destroyed or must take measures to prevent their destruction by capturing the vessels employed in it. Between these alternatives it does not appear to me there should be the slightest hesitation.

Much learning has been expended upon the discussion of the abstract question of the right of *mare clausum*. I do not conceive it to be applicable to the present case.

Here is a valuable fishery, and a large and, if properly managed, permanent industry, the property of the nations on whose shores it is carried on. It is proposed by the colony of a foreign nation, in defiance of the joint remonstrance of all the countries interested, to destroy this business by the indiscriminate slaughter and extermination of the animals in question, in the open neighboring sea, during the period of gestation, when the common dictates of humanity ought to protect them, were there no interest at all involved. And it is suggested that we are prevented from defending ourselves against such depredations because the sea at a certain distance from the coast is free.

The same line of argument would take under its protection piracy and the slave trade, when prosecuted in the open sea, or would justify one nation in destroying the commerce of another by placing dangerous obstructions and derelicts in the open sea near its coasts. There are many things that can not be allowed to be done on the open sea with impunity, and against which every sea is *mare clausum*. And the right of self defense as to person and property prevails there as fully as elsewhere. If the fish upon the Canadian coasts could be destroyed by

scattering poison in the open sea adjacent, with some small profit to those engaged in it, would Canada, upon the just principles of international law, be held defenseless in such a case? Yet that process would be no more destructive, inhuman, and wanton than this.

If precedents are wanting for a defense so necessary and so proper it is because precedents for such a course of conduct are likewise unknown. The best international law has arisen from precedents that have been established when the just occasion for them arose, undeterred by the discussion of abstract and inadequate rules.

Especially should there be no hesitation in taking this course with the vessels of a colony which has for three years harassed the fisheries of our country with constant captures of vessels engaged in no violation of treaty or legal rights. The comity of nations has not deterred Canada from the persistent obstruction of justifiable and legitimate fishing by American vessels near its coasts. What principle of reciprocity precludes us from putting an end to a pursuit of the seal by Canadian ships which is unjustifiable and illegitimate?

I earnestly recommend, therefore, that the vessels that have been already seized while engaged in this business be firmly held, and that measures be taken to capture and hold every one hereafter found concerned in it. If further legislation is necessary, it can doubtless be readily obtained.

There need be no fear but that a resolute stand on this subject will at once put an end to the mischief complained of. It is not to be reasonably expected that Great Britain will either encourage or sustain her colonies in conduct which she herself concedes to be wrong and which is detrimental to her own interests as well as to ours. More than 10,000 people are engaged in London alone in the preparation of seal skins. And it is understood that the British Government has requested that clearances should not be issued in Canada for vessels employed in this business; but the request has been disregarded.[1]

I have, etc.,

E. J. PHELPS.

JAPAN.

Mr. Hubbard to Mr. Bayard.

No. 387.] UNITED STATES LEGATION,
Tokio, Japan, September 28, 1887. (Received October 24.)

SIR: I have the honor to inform the Department of State that I have submitted to the Japanese minister for foreign affairs the substance of your instruction No. 153, in relation to taking steps for the better protection of the fur-seal fisheries in Behring Sea by international coöperation, waiving all exceptional measures and exceptional marine jurisdiction that might be properly claimed for that end by the United States. In invoking the early and earnest consideration of the propositions of your instructions for the reasons given, and which are alike of practical commercial interest to Japan as well as to the other friendly powers designated as having been invited to enter into a similar arrangement with our Government, I have requested Count Ito to name at his pleasure some time in the future when we may discuss informally the reasons for and the terms and conditions of such arrange-

[1] For further correspondence relating to Great Britain's willingness to agree to protect seal-life, see *infra*, pp. 212-217, and 236-242.

ment for the protection of the seal-fur fisheries in Behring Sea as will safely guard that large marine interest against the lawless and indiscriminate slaughter of this animal, contributing so much to the wealth and general welfare of mankind. Due report will be made to the Department of State as the negotiations progress, which I hope and expect will be concluded favorably to all concerned.

I have, etc.,

RICHARD B. HUBBARD.

Mr. Hubbard to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES,
Tokio, September 29, 1887. (Received September 29.)

Mr. Hubbard acknowledges the receipt of Mr. Bayard's instruction No. 153, of August 19, 1887, and requests, at the instance of the Japanese Government, copies of the Treasury regulations and contracts concerning the seal fisheries, and also a more definite statement as to the nature of the protection which it is desired to extend to those fisheries

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Mr. Hubbard to Mr. Bayard.

[Extract.]

No. 388.] UNITED STATES LEGATION,
Tokio, Japan, September 29, 1887. (Received October 24.)

SIR: Referring to your instruction No. 153 I have already had the honor to inform the Department of State that I would seek a personal official conference with the minister for foreign affairs on the subject of the international protection of the fur-seal fisheries in Behring Sea.

The Japanese Government is anxious to enter into an arrangement or convention with the United States Government, invoking similar arrangement or convention with our Government for the protection of the fur-seal fisheries in the waters of their northern islands.

I expressly called attention to the waiver for this purpose, as expressed in your instruction No. 153, and in my dispatch No. 387, of any legal rights under former conventions, that my Government now desired to invite this coöperative protection of friendly powers of their fur-seal fisheries from wanton destruction without reference to said former conventions. Nevertheless, the Japanese Government requested as an especial favor that I would cable the Department of State, in order to save time, for certain documents mentioned in the subjoined cablegram, and for such specifications of said desired arrangement or convention as will be satisfactory and meet the wishes of my Government in that regard, and which might be reciprocally invoked for the protection of their own fur-seal fisheries.

I have, etc.,

RICHARD B. HUBBARD.

Mr. Bayard to Mr. Hubbard.

No. 156.] DEPARTMENT OF STATE,
Washington, September 30, 1887.

SIR: The Department is glad to infer from your telegram of the 29th instant that the Government of Japan has favorably received the proposition of the United States to negotiate for the protection of the seal fisheries in Behring Sea.

A memorandum on the subject is now being prepared in reference to my suggestions and will be transmitted as soon as it is completed.

I am, etc.,

T. F. BAYARD.

Mr. Hubbard to Mr. Bayard.

No. 393.] UNITED STATES LEGATION,
Tokio, Japan, October 10, 1887. (Received November 2.)

SIR: I have the honor herewith to inclose for the information of the Department of State, copies, respectively, of my note to Count Ito, and his reply thereto, relating to the fur seal fisheries in Behring Sea.

I am requested to call the attention of my Government respectfully and especially to the proposed reciprocal protection of the sea otter, and to enlarge the protected zone so as to embrace the known habitat of that animal.

I took occasion to say unofficially to Count Ito that I had no hesitation in giving him the hopeful assurance that my Government would coöperate with his excellency's Government in the proposal to include sea otter as well as fur seal in any reasonable arrangement which would prevent unregulated and indiscriminate slaughter of this valuable animal in the waters of Behring Sea as well as on the coast of Japan and in their conterminous waters. I shall have the honor to await, in deference to Count Ito's expressed request, your instructions in response to the respectful proposition of the Japanese Government before entering upon any formal negotiations on this subject. On receipt of this dispatch by the Department of State, I have the honor to suggest that if the reply to my cablegram of the 29th ultimo has been mailed to this legation by the Department, that in that end a brief telegram signifying your willingness to include the sea otter in the said negotiations would advance the negotiations and gratify this Government as well, who manifests a deep interest in securing an early arrangement by our respective governments for the better protection of the fur seal and sea-otter fisheries of American and Japanese waters.

I have, etc.,

RICHARD B. HUBBARD.

[Inclosure 1 in No. 393.]

Mr. Hubbard to Count Ito Hirobumi.

UNITED STATES LEGATION,
Tokio, October 6, 1887.

SIR: I have the honor herewith to forward to your excellency, and to beg your early and favorable consideration of, a copy of an instruction which I have had the honor to receive from the Department of State of my Government.

The general proposition respectfully submitted in this instruction by my Government, as well as the obvious and convincing reasons there set forth in favor of its adoption by the friendly powers named therein, will, I am sure, receive from your excellency's Government the same earnest consideration as they have received from the United States.

As already indicated unofficially to the foreign office, I shall, in furtherance of the wishes and instructions of my Government, be gratified and obliged if your excellency will formally appoint any future time and place when and where I may have the honor to confer and discuss with your excellency, or any other representative of His Imperial Majesty's Government, the subject of an agreement or special convention between the United States of America and the Empire of Japan having reference to the better protection of the fur-seal fisheries in Behring Sea.

I avail, etc.,

RICHARD B. HUBBARD.

[Inclosure 2 in No. 393.—Translation.]

Count Ito Hirobumi to Mr. Hubbard.

No. 8584.] DEPARTMENT OF FOREIGN AFFAIRS,
Tokio, October 8, 1887.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 6th instant, in which you are pleased to inclose the copy of a communication from the honorable the Secretary of State in reference to the seal fisheries in Behring Sea, and, in pursuance of instructions contained in that dispatch, invite His Imperial Majesty's Government to enter into an arrangement with the Government of the United States having for its object the protection of fur-seals in Behring Sea from indiscriminate destruction and consequent extermination.

The unregulated and indiscriminate slaughter of the sea-otter as well as the fur-seal on the coasts of Japan and in their conterminous waters is a subject which has for many years engaged the serious attention of the Imperial Government.

The experience of His Imperial Majesty's Government justifies the belief that the end sought to be obtained can be best secured by means of a coöperative international action, and they therefore cordially approve of the suggestion of the honorable the Secretary of State.

His Imperial Majesty's Government would be willing to enter into an arrangement for the purpose indicated, but they would wish, for the reasons assigned by Mr. Bayard in favor of the protection of the fur-seal in Behring Sea, to extend the principle of protection to the sea-otter as well as the fur-seal, and to enlarge the protected zone so as to embrace the known habitat of that animal.

I beg that you will bring this proposal to the attention of the Government of the United States, and I would suggest that this be done in advance of any negotiations on the subject.

I avail myself, etc.,

COUNT ITO HIROBUMI.

Mr. Bayard to Mr. Hubbard.

No. 171.] DEPARTMENT OF STATE,
Washington, November 21, 1887.

SIR: I have to acknowledge the receipt of your dispatches Nos. 388 and 393, dated, respectively, September 29 and October 10, and in reply to express the satisfaction of this Department at the favorable response of the Japanese Government to negotiate for the protection of the seal fisheries in Behring Sea.

The Department hopes to be able, at an early day, to instruct you further on the subject. At present, owing doubtless to the shortness of the time, few replies have been received from foreign Governments to the circular invitation of the United States in this regard. And it is thought desirable to await for a time further responses, which might affect the course of the negotiations.

I am, etc.,

T. F. BAYARD.

Mr. Hubbard to Mr. Bayard.

No. 483.] UNITED STATES LEGATION,
Tokio, Japan, June 23, 1888. (Received July 16.

SIR: Respectfully referring to the correspondence between the Department of State and this legation, looking to the conclusion of a convention between Japan and the United States and some other powers for the protection of the fur-seal fisheries in Behring Sea, and the protection of the sea otter, as subsequently suggested by Japan, I have the honor to inform the Department that instruction No. 171, of November 21, 1887, which has heretofore been acknowledged, is the last that has been received by me from the Department on this subject.

I desire to inform the Department that the Japanese foreign office has, in a friendly spirit of inquiry, asked if I could furnish information as to when my Government would be ready (as Japan had been ready for sometime past) to resume the consideration of the proposed convention.

I have, in response to this inquiry, forwarded to the foreign office a copy of your said instruction No. 171, dated November 21, 1887, with the accompanying note, dated June 20, transmitting the same. The Japanese minister for foreign affairs has been recently advised by the Russian minister to Japan that the United States Government and those of Russia and Great Britain had discussed, at London, the matter of a similar convention for the protection of the fur-seal fisheries and sea otter in Behring Sea. He also communicated the fact that the Government at St. Petersburg desired to conclude with Japan a convention for the mutual protection of the seal and otter within their own seas and contiguous waters.

This fact has been the immediate cause of the inquiry submitted to me, to which the inclosure herewith is in response.

I have, etc.,

RICHARD B. HUBBARD.

[Inclosure in No. 483.]

Mr. Hubbard to Count Okuma.

No. 284.] UNITED STATES LEGATION,
Tokio, June 20, 1888.

SIR: Referring to my note to his excellency Count Ito, dated October 6, 1887, and his reply thereto dated November 8, 1887, concerning a proposed arrangement which the United States invited Japan to enter into with the United States and certain other powers, for the protection of the fur-seals in Behring Sea from indiscriminate destruction and consequent extermination, I have now the honor to inclose an instruction[1] from my Government in response to my dispatch to the honorable the Secretary of State, informing him of Japan's willingness to enter such an arrangement.

It will be observed by your excellency that my Government is awaiting the replies of some other foreign Governments to the invitation of the United States to enter into such a convention.

I have not communicated with your excellency's department since my note of the 6th of October, on account of awaiting further instructions from my Government in the premises, to which the instruction herewith inclosed especially refers. The substance of the inclosed instruction has not been heretofore communicated to your excellency's Government, hoping that I might, as indicated, ere now have been furnished with final instructions to conclude a convention between our respective Governments, embracing all the points of discussion on which a common and friendly concurrence and understanding had been reached, and of which my Government was advised in my dispatches to which the inclosed instruction is in response.

I avail myself, etc.,

RICHARD B. HUBBARD.

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[1] See *supra*, Mr. Bayard to Mr. Hubbard, November 21, 1887.

Mr. Hubbard to Mr. Bayard.

UNITED STATES LEGATION,
Tokio, Japan, July 13, 1888. (Received August 8.)

SIR: I have the honor to inclose herewith a copy of a note from the Japanese minister for foreign affairs dated July 7, in which I am requested to instruct the United States consuls in Japan not to ship Japanese subjects on board American vessels engaged or about to engage in otter or seal hunting.

The reasons for such a request are set forth in the minister's note.

In compliance with Count Okuma's request, I have instructed the United States consul-general at Kanagawa, and through him the other consular representatives of the United States in Japan, to refrain from shipping any Japanese subjects on any American otter or seal hunting vessels.

I have the honor to inclose a copy of my communication to the United States consul-general on the subject, and hope that my action in the premises will meet the approval of the Department of State.

In order that the Department may more fully understand the immediate causes which have led the Japanese Government to take the course indicated in regard to the shipment of Japanese subjects on otter and seal hunting vessels, I beg to submit a brief account of the attack on the British schooner *Nemo*, to which Count Okuma refers:

The *Nemo* is a schooner of 150 tons, owned and commanded by one Snow, a British resident of Yokohama, and was manned by Japanese sailors. The schooner is what is known as an "otter and seal hunter."

On the 27th of May last, while the schooner was en route to the hunting grounds, it was, according to the commander's statement, becalmed off Copper Island (Russian territory). Early on the morning of May 27, while the schooner was still becalmed, the commander put off in a boat with a crew of 6 Japanese sailors, accompanied or followed by two other boats of Japanese sailors. The commander of the *Nemo* was the only foreigner in the boats. When about 200 yards from shore, and after the commander of the *Nemo* had discharged his rifle at one or more otters, his boat was fired upon by an unknown number of men concealed behind the rocks or a bluff of the shore, and using, as the commander of the *Nemo* supposes, Winchester rifles.

The firing was kept up with great rapidity, and all of the men in the boat, including the commander, being wounded, it was with great difficulty that the boat was gotten out of reach of the firing, the commander and one sailor being the only occupants of the boat who were able to propel it, and being both wounded, the craft moved very slowly.

When the commander's boat got out of range of the firing (the second boat had one man wounded, but the third had not approached within range of the firing), it was ascertained that one of the Japanese had been killed outright, and two others afterwards died on the *Nemo* from the wounds then received.

The commander was wounded in the hand and in the thigh, but he and the other Japanese who were wounded have, I understand, about recovered.

The schooner was brought to Yokohama, where an inquiry into the affair was held by the British consul, who found that the attack was unprovoked.

I have, etc.,

RICHARD B. HUBBARD.

[Inclosure 1 in No. 491 Translation.]

Count Okuma to Mr. Hubbard.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, the 9th day, the 7th month, the 21st year of Meiji.

SIR: The recent attack at Copper Island upon the British schooner *Nemo* (with the circumstances and results of which you are doubtless familiar), coupled with the fact that the unlicensed taking of otter and seal within the jurisdiction of His Imperial Majesty is prohibited by law, has impressed upon the Imperial Government the necessity of adopting more effectual measures on the one hand to protect His Imperial Japanese Majesty's subjects from the consequences of acts for which as seamen they could hardly be held responsible, and on the other to put a stop to an unlawful occupation.

With these objects in view I have the honor to request that you will instruct the consuls of your country in Japan to refrain, until otherwise advised, from shipping Japanese subjects on board any American vessels engaged or about to engage in otter or seal hunting.

I avail, etc.,

COUNT SHIGENOBU OKUMA.

(For inclosure No. 2, see Senate Ex. Doc. No. 106, Fiftieth Congress, second session, p. 111.)

Mr. Hubbard to Mr. Bayard.

No. 492.] UNITED STATES LEGATION,
Tokyo, Japan, July 13, 1888. (Received August 8.)

SIR: Referring to the correspondence which has taken place between the Department of State and this legation concerning a proposed convention between the United States and Japan and some other powers, looking to the protection of the fur-seal fisheries in Behring Sea, I have the honor to inclose a copy of a note, dated July 9, from the Japanese minister of foreign affairs, inquiring as to the nature of the consultation now being conducted at London on this subject, with a view of instructing the Japanese Minister at London to take part in said consultation, provided it has assumed the nature of an international conference in which the views of the several powers interested may be interchanged.

The note from Count Okuma and my reply to the same, also herewith inclosed, fully explain themselves, and are forwarded to the Department with the view of eliciting such reply as may be deemed advisable in the premises.

There is no doubt that the *Nemo* affair, to which I had the honor to refer in my dispatch No. 491 of this date, has had the effect of increasing Japan's interest in the proposed convention and her desire to see it concluded at an early day.

I have, etc.,

RICHARD B. HUBBARD.

[Inclosure 1 in No. 492 Translation.]

Count Okuma to Mr. Hubbard.

DEPARTMENT FOR FOREIGN AFFAIRS,
Tokyo, the 7th day, the 7th month, the 21st year of Meiji.

SIR: With reference to the proposal of your Government to enter into a proper arrangement for the purpose of preventing by international cooperation indiscrimi

nate and unregulated destruction of fur seals in the Behring Sea, the views of the Imperial Government having been communicated to you, your Government intimated that they would approach the subject again upon receipt of responses from the powers consulted, and consequently the Imperial Government have been awaiting further communication from your Government.

In the meantime it has recently been reported to the Imperial Government that the United States minister at London is holding consultation with Her British Majesty's principal Secretary for Foreign Affairs and the diplomatic representatives of some other power or powers interested in respect to certain matters bearing upon the subject.

The Imperial Government are not aware of the nature of the question under discussion. If, however, the negotiation has actually assumed the character of an international convention, in which the views of the several powers interested may be formally interchanged, the Imperial Government would desire to instruct their representative at London to take part in such negotiation.

I therefore beg leave to request that you will be so good as to ascertain the truth of the report and to communicate to me the result of your inquiry.

I avail myself, etc.,

COUNT SHIGENOBU OKUMA.

[Inclosure 2 in No. 492.]

Mr. Hubbard to Count Okuma.

UNITED STATES LEGATION,
Tokyo, July 12, 1888.

SIR: I have the honor to acknowledge the receipt of your excellency's note No. 25, of the 7th instant, in which, referring to the subject of the proposed arrangement between the Governments of the United States and Japan and some other powers, looking to the protection of the fur-seal fisheries in Behring Sea, your excellency informs me that it has been reported to the Imperial Government that the United States minister at London is holding consultation with Her British Majesty's principal Secretary for Foreign Affairs and the diplomatic representatives of some other powers interested, in respect to certain matters bearing upon the subject. Your excellency further states that if the negotiations have assumed the character of an international conference, in which the views of the several powers interested may be formally interchanged, the Imperial Government would desire to instruct their representative at London to take part in such negotiations; and you request me to ascertain the truth of the report referred to, and to communicate the result of my inquiry to your department.

In reply I have the honor to say to your excellency that by the mail leaving for the United States on or about June 20 I had the honor, as suggested by the verbal and informal inquiry of the Foreign Office, to address a dispatch to the honorable the Secretary of State of my Government, requesting to be advised of the present status of the negotiations of the proposed convention; and in pursuance of the subject I will by the next mail leaving for the United States forward a copy of your excellency's note, with the request that my Government will furnish me with full information respecting the progress of the negotiations.

In this connection I beg to say to your excellency that I have been informed informally and unofficially, by the representatives at Tokio of one of the powers interested in the said negotiations, that he was in receipt of information to the effect that the consultation now being conducted at London is of a purely preliminary character.

I am fully persuaded that the consultation to which your excellency refers is of the same nature as has already taken place between the United States minister at Tokyo and the Japanese Foreign Office; and I beg to repeat to your excellency what I have already had the honor to assure your Department on previous occasions that a final decision will not be reached in this matter of the proposed convention until the Imperial Government has been fully advised and has had ample opportunity to express its views in the premises.

I avail, etc.,

RICHARD B. HUBBARD.

Mr. Bayard to Mr. Hubbard.

No. 223.] DEPARTMENT OF STATE,
Washington, July 18, 1888.

SIR: I have received your No. 483 of the 23d ultimo, saying that the Japanese Minister for Foreign Affairs had informally inquired of you lately concerning the proposed convention between the United States and Japan, looking to the protection of fur seals in Bering Sea, which formed the subject of my instruction No. 171 of November 21, 1887.

Negotiation with Japan in reference to the protection of the seals in Behring Sea has been delayed by the unexpected protraction of the negotiation with Great Britain and Russia. It is thought desirable that the arrangement between these countries should be permitted to assume a definite and settled form before other agreements are formulated. It is hoped that the matter will soon be in such shape as to permit the entrance upon formal negotiations with Japan.

In the meantime, however, the question might be informally discussed with the Japanese Government, with a view to ascertain just what is desired of the United States in regard to the protection of the sea otter.

I am, etc.,

T. F. BAYARD.

Mr. Bayard to Mr. Hubbard.

[Confidential.]

No. 232.] DEPARTMENT OF STATE,
Washington, August 9, 1888.

SIR: I have to acknowledge the receipt of your No. 492, of the 13th ultimo, in which you transmit a copy of a note from Count Okuma, Minister for Foreign Affairs of Japan, of the 7th ultimo, in which he states the desire of his Government to instruct its representative in London to take part in the negotiations there pending between the Government of the United States and that of Great Britain for a convention for the protection of seals in Behring Sea, provided the negotiations have reached a stage which would admit of such participation.

In reply you promised his excellency that you would request your Government to furnish you with full information respecting the progress of the negotiations.

No change is known to have taken place in the state of the negotiations at London since the Department last wrote you on the subject. Four months ago strong hopes were entertained here that the convention would soon be concluded. But the Department is now informed that the views of Her Britannic Majesty's Minister for Foreign Affairs have met with obstruction from Canada, where vessels are yearly fitted out for the purpose of preying upon seal life by the use of firearms and other destructive weapons.

It is not perceived, therefore, how the participation of Japan in the negotiations at London could promote their successful conclusion. There is not known to be any difference of opinion between this Government and that of Her Britannic Majesty as to the necessity and propriety of the international arrangement, now under consideration, for the protection of the seals in Behring Sea.

The convention which Japan will seek to make on the same subject will, as you have indicated, have to be shaped in some respects so as to meet the wishes of Japan in regard to the protection of her interests in the sea otter. What this Government deems necessary for the preservation of the seals in Behring Sea is entirely to prohibit the slaughter of them with firearms, nets, and other destructive implements, at a distance from the coasts. The Department would be glad to learn the views of the Japanese Government concerning the measures necessary for the protection of its interests in the otter, and to be furnished with information respecting their territorial and pecuniary extent.

I am, etc.,

T. F. BAYARD.

RUSSIA.

Mr. Wurts to Mr. Bayard.

No. 139.] LEGATION OF THE UNITED STATES,
St. Petersburg, September 3, 1887. (Received September 17.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 99, of the 19th of last month, relating to the measures to be taken for the better protection of the seal fisheries in Behring Sea, and to inform you that, in obedience to it, I have communicated the invitation of the Government of the United States to that of Russia to enter into such an arrangement as will put a check to the indiscriminate destruction, by the citizens of either country, of the seals in those waters.

I am, etc.,

GEORGE W. WURTS.

Mr. Lothrop to Mr. Bayard.

No. 151.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 8, 1887. (Received December 27.)

SIR: I have the honor to transmit herewith the translation of a note from the Foreign Office, received at the legation yesterday, on the proposition of the United States for an international agreement touching the capture of seals in Behring Sea. The earnestness felt here in the matter is plainly indicated by the language of the note, which speaks of unrestrained seal-hunting as a thing which not only threatens the well-being but even the existence of the people of the extreme northeast coast.

This language represents a view which I have heard here in conversation, of course not officially, and which is substantially as follows:

The seal fishery on our Behring coasts is the only resource our people there have; it furnishes them all the necessaries of life; without it they perish. Now, international law concedes to every people exclusive jurisdiction over a zone along its coasts sufficient for its protection; and the

doctrine of the equal rights of all nations on the high seas rests on the idea that it is consistent with the common welfare and not destructive of any essential rights of the inhabitants of the neighboring coasts. Such common rights, under public law, rest on general consent, and it would be absurd to affirm that such consent had been given, where its necessary result would be the absolute destruction of one or more of the parties. Hence the rule can not be applied blindly to an unforeseen case, and these alleged common rights must rightfully be limited to cases where they may be exercised consistently with the welfare of all. Behring Sea partakes largely of the character of an inclosed sea; two great nations own and control all its inclosing shores. It possesses a peculiar fishery, which, with reference to its preservation, can only be legitimately pursued on land, and even there only under strict regulations. To allow its unrestrained pursuit in the open waters of the sea is not only to doom it to annihilation, but, by necessary consequence, to destroy all its coast inhabitants. If this result is conceded it follows that the doctrine of common rights can have no application to such a case.

I have thought it might not be uninteresting to give this as a view which has found expression here, and, if found necessary, I think it not improbable that Russia would feel that she was driven to act on it.

I am, etc.,

GEO. V. N. LOTHROP.

[Inclosure in No. 151—Translation.]

M. de Giers to Mr. Lothrop.

MINISTRY OF FOREIGN AFFAIRS,
Asiatic Department, November 25, 1887.

MR. MINISTER: Mr. Wurts, under date of August 22 [September 2], was good enough to communicate to me the views of the Government of the United States of America upon the subject of the desirableness of an understanding, among the governments concerned, for the regulation of the taking (*la chasse*) of the fur seal (*loutres*) in the Behring Sea, in order that an end might be put to those inconsiderate practices of extermination which threaten to dry up, at their source, an important branch of international commerce.

We concur entirely in the views of the Government of the United States. Like it, we also have been for a long time considering what means could be taken to remedy a state of things which is prejudicial not only to commerce and to revenue, but which will soon work disastrous results, not only to the well-being but even to the existence of our people in the extreme northeast. The establishment of a reasonable rule, and of a lawful system in the use (*l'exploitation*) of the resources, which furnish their only industry, is for those people of vital importance.

The pressing interest which the Imperial Government has been thus called to consider had already suggested to it the idea of an international agreement, by which this interest might find its most efficient protection. It is by this way that the different questions involved can be best resolved, and among which there exists, in our opinion, a close connection.

The proposition of an accord emanating from the Government of the United States, and which we take pleasure in considering as a step toward that general solution, must, of course, but meet the sincere sympathies of the Imperial Government, and its active support, and this I pray you to make known to the Cabinet at Washington.

Please receive, etc.,

GIERS.

Mr. Lothrop to Mr. Bayard.

No. 161.] LEGATION OF THE UNITED STATES,
St. Petersburg, February 22, 1888. (Received March 12.)

SIR: Your dispatch, No. 110, relative to the protection of fur-bearing seals in the Behring Sea, has just reached me, and I have lost no time in making known to the Imperial Government your wishes respecting the coöperation of the Russian Ambassador in London with Mr. Phelps on this subject.

Very truly, etc.,

GEO. V. N. LOTHROP.

Mr. Lothrop to Mr. Bayard.

No. 164.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 12, 1888. (Received April 2.)

SIR: Immediately upon the receipt of your dispatch No. 110 I communicated to Mr. de Giers the suggestions therein contained. In reply he now informs me that the Imperial Government, acting thereon, has instructed Mr. de Staal, its Ambassador in London, at once to put himself into communication with Mr. Phelps, and to do his best to promote the common object of the two governments. I am also requested to make this action known to you.

Very truly, etc.,

GEO. V. N. LOTHROP.

SWEDEN AND NORWAY.

Mr. Magee to Mr. Bayard.

No. 118.] LEGATION OF THE UNITED STATES,
Stockholm, March 20, 1888. (Received April 9.)

SIR: I am in receipt this p. m. of the response to my note (written under your instruction of date September 17, 1887), inviting the Government of the United Kingdoms to join in an arrangement whereby an end would be put to the indiscriminate killing of seals in the Bering Sea.

The Royal Government having no interest in seal fisheries, His Majesty thinks there is no need to take part in any treaty or arrangement in reference thereto on the part of the United Kingdoms. He, however, expresses the desire that a mutually beneficial accord may be arrived at between the interested powers, and that the same may be maintained with a reservation that powers not at present interested may join in such an arrangement in the future if they desire.

At present neither Sweden nor Norway engages in seal-fishing in Behring Sea or adjacent waters.

I have, etc.,

RUFUS MAGEE.

CORRESPONDENCE RELATIVE TO THE SEIZURE OF BRITISH SEALING VESSELS IN BERING SEA IN 1889.

Mr. Edwardes to Mr. Blaine.

BAR HARBOR, *August 24, 1889.*

SIR: In accordance with instructions which I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honor to state to you that repeated rumors have of late reached Her Majesty's Government that United States cruisers have stopped, searched, and even seized British vessels in Behring Sea outside of the three-mile limit from the nearest land. Although no official confirmation of these rumors has reached Her Majesty's Government, there appears to be no reason to doubt their authenticity.

I am desired by the Marquis of Salisbury to inquire whether the United States Government are in possession of similar information, and further, to ask that stringent instructions may be sent by the United States Government, at the earliest moment, to their officers, with the view to prevent the possibility of such occurrences taking place.

In continuation of my instruction I have the honor to remind you that Her Majesty's Government received very clear assurances last year from Mr. Bayard, at that time Secretary of State, that pending the discussion of the general questions at issue no further interference should take place with British vessels in Behring Sea.

In conclusion, the Marquis of Salisbury desires me to say that Sir Julian Pauncefote, Her Majesty's Minister, will be prepared on his return to Washington in the autumn to discuss the whole question, and Her Majesty's Government wish to point out to the United States Government that a settlement can not but be hindered by any measures of force which may be resorted to by the United States.

I have, etc.,

H. G. EDWARDES.

Mr. Blaine to Mr. Edwardes.

BAR HARBOR, *August 24, 1889.*

SIR: I have the honor to acknowledge the receipt of your communication of this date, conveying to me the intelligence "that repeated rumors have of late reached Her Majesty's Government that United States cruisers have stopped, searched, and even seized British vessels in Behring Sea outside the 3-mile limit from the nearest land." And you add that, "although no official confirmation of these rumors has reached Her Majesty's Government, there appears to be no reason to doubt their authenticity."

In reply I have the honor to state that the same rumors, probably based on truth, have reached the Government of the United States, but that up to this date there has been no official communication received on the subject.

It has been and is the earnest desire of the President of the United States to have such an adjustment as shall remove all possible ground of misunderstanding with Her Majesty's Government concerning the existing troubles in the Behring Sea; and the President believes that the

responsibility for delay in the adjustment can not be properly charged to the Government of the United States.

I beg you will express to the Marquis of Salisbury the gratification with which the Government of the United States learns that Sir Julian Pauncefote, Her Majesty's Minister, will be prepared, on his return to Washington in the autumn, to discuss the whole question. It gives me pleasure to assure you that the Government of the United States will endeavor to be prepared for the discussion, and that, in the opinion of the President, the points at issue between the two Governments are capable of prompt adjustment on a basis entirely honorable to both.

I have, etc.,

JAMES G. BLAINE.

Mr. Edwardes to Mr. Blaine.

BAR HARBOR, *August 25, 1889.*

SIR: I had the honor to receive yesterday your note in which you have been good enough to inform me, with respect to the repeated rumors which have of late reached Her Majesty's Government of the search and seizures of British vessels in Behring Sea by United States cruisers, that the same rumors, probably based on truth, have reached the United States Government, but that up to this date there has been no official communication received on the subject.

At the same time you have done me the honor to inform me that it has been and is the earnest desire of the President of the United States to have such an adjustment as shall remove all possible ground of misunderstanding with Her Majesty's Government concerning the existing troubles in the Behring Sea; and that the President believes that the responsibility for delay in that adjustment can not be properly charged to the Government of the United States.

You request me at the same time to express to the Marquis of Salisbury the gratification with which the Government of the United States learns that Sir Julian Pauncefote, Her Majesty's Minister, will be prepared, on his return to Washington in the autumn, to discuss the whole question, and you are good enough to inform me of the pleasure you have in assuring me that the Government of the United States will endeavor to be prepared for the discussion, and that, in the opinion of the President, the points at issue between the two Governments are capable of prompt adjustment on a basis entirely honorable to both.

I shall lose no time in bringing your reply to the knowledge of Her Majesty's Government, who, while awaiting an answer to the other inquiry I had the honor to make to you, will, I feel confident, receive with much satisfaction the assurances which you have been good enough to make to me in your note of yesterday's date.

I have, etc.,

H. G. EDWARDES.

Mr. Edwardes to Mr. Blaine.

WASHINGTON, *September 12, 1889.*

MY DEAR MR. BLAINE: I should be very much obliged if you would kindly let me know when I may expect an answer to the request of Her

Majesty's Government, which I had the honor of communicating to you in my note of the 24th of August, that instructions may be sent to Alaska to prevent the possibility of the seizure of British ships in Behring Sea. Her Majesty's Government are earnestly awaiting the reply of the United States Government on this subject, as the recent reports of seizures having taken place are causing much excitement both in England and in Canada.

I remain, etc.,

H. G. EDWARDES.

Mr. Blaine to Mr. Edwardes.

BAR HARBOR, *September 11, 1889.*

SIR: I have the honor to acknowledge the receipt of your personal note of the 12th instant, written at Washington, in which you desire to know when you may expect an answer to the request of Her Majesty's Government, "that instructions may be sent to Alaska to prevent the possibility of the seizure of British ships in Behring Sea."

I had supposed that my note of August 24 would satisfy Her Majesty's Government of the President's earnest desire to come to a friendly agreement touching all matters at issue between the two Governments in relation to Behring Sea, and I had further supposed that your mention of the official instruction to Sir Julian Pauncefote to proceed, immediately after his arrival in October, to a full discussion of the question, removed all necessity of a preliminary correspondence touching its merits.

Referring more particularly to the question of which you repeat the desire of your Government for an answer, I have the honor to inform you that a categorical response would have been and still is impracticable—unjust to this Government, and misleading to the Government of Her Majesty. It was therefore the judgment of the President that the whole subject could more wisely be remanded to the formal discussion so near at hand which Her Majesty's Government has proposed, and to which the Government of the United States has cordially assented.

It is proper, however, to add that any instruction sent to Behring Sea at the time of your original request, upon the 24th of August, would have failed to reach those waters before the proposed departure of the vessels of the United States.

I have, etc.,

JAMES G. BLAINE.

The Marquis of Salisbury to Mr. Edwardes.

[Left at the Department of State by Mr. Edwardes.]

FOREIGN OFFICE, *October 2, 1889.*

SIR: At the time when the seizures of British ships hunting seals in Behring's Sea during the years 1886 and 1887 were the subjects of discussion the Minister of the United States made certain overtures to Her Majesty's Government with respect to the institution of a close

time for the seal fishery, for the purpose of preventing the extirpation of the species in that part of the world. Without in any way admitting that considerations of this order could justify the seizure of vessels which were transgressing no rule of international law, Her Majesty's Government were very ready to agree that the subject was one deserving of the gravest attention on the part of all the governments interested in those waters.

The Russian Government was disposed to join in the proposed negotiations, but they were suspended for a time in consequence of objections raised by the Dominion of Canada and of doubts thrown on the physical data on which any restrictive legislation must have been based.

Her Majesty's Government are fully sensible of the importance of this question, and of the great value which will attach to an international agreement in respect to it, and Her Majesty's representative will be furnished with the requisite instructions in case the Secretary of State should be willing to enter upon the discussion.

You will read this dispatch and my dispatch No. 205, of this date, to the Secretary of State, and, if he should desire it, you are authorized to give him copies of them.

I am, etc.,

SALISBURY.

The Marquis of Salisbury to Mr. Edwardes.

[Left at the Department of State by Mr. Edwardes.]

FOREIGN OFFICE, *October 2, 1889.*

SIR: In my dispatch No. 176 of the 17th August last I furnished you with copies of a correspondence which had passed between this Department and the Colonial Office on the subject of the seizure of the Canadian vessels *Black Diamond* and *Triumph* in the Bering Sea by the United States revenue-cutter *Rush*.

I have now received and transmit herewith a copy of a dispatch from the Governor-General of Canada to the Secretary of State for the Colonies, which incloses copies of the instructions given to the special officer placed on board the *Black Diamond* by the officer commanding the *Rush*, and of a letter from the collector of customs at Victoria, together with the sworn affidavits of the masters of the two Canadian vessels.

It is apparent from these affidavits that the vessels were seized at a distance from land far in excess of the limit of maritime jurisdiction which any nation can claim by international law.

The cases are similar in this respect to those of the ships *Caroline*, *Onward*, and *Thornton*, which were seized by a vessel of the United States outside territorial waters in the summer of 1887. In a dispatch to Sir L. West dated September 10, 1887, which was communicated to Mr. Bayard, I drew the attention of the Government of the United States to the illegality of these proceedings, and expressed a hope that due compensation would be awarded to the subjects of Her Majesty who had suffered from them. I have not, since that time, received from the Government of the United States any intimation of their intentions in this respect, or any explanation of the grounds upon which this interference with the British sealers had been authorized. Mr. Bayard did, indeed, communicate to us unofficially an assurance that no further seizures of this character should take place pending the discussion of

the questions involved between the two governments. Her Majesty's Government much regret to find that this understanding has not been carried forward into the present year, and that instructions have been issued to cruisers of the United States to seize British vessels fishing for seals in Behring Sea outside the limit of territorial waters. The grounds upon which these violent measures have been taken have not been communicated to Her Majesty's Government, and remain still unexplained.

But in view of the unexpected renewal of the seizures of which Her Majesty's Government have previously complained, it is my duty to protest against them, and to state that, in the opinion of Her Majesty's Government, they are wholly unjustified by international law.

I am, etc.,

SALISBURY.

[Inclosure 4.]

Captain Shepard to Mr. Hankanson.

U. S. REVENUE STEAMER RUSH, BERING SEA,
Latitude 56° 22′ N., longitude 170° 25′ W., July 11, 1889.

SIR: You are hereby appointed a special officer, and directed to proceed on board the schooner *Black Diamond*, of Victoria, British Columbia, this day seized for violation of law (section 1956, Revised Statutes of the United States), and assume charge of the said vessel, her officers, and crew, twenty-five in number, all told, excepting the navigation of the vessel, which is reserved to Capt. Owen Thomas, and which you will not interfere with unless you become convinced that he is proceeding to some other than your port of destination, in which event you are authorized to assume full charge of the vessel. Everything being in readiness, you will direct Capt. Owen Thomas to make the best of his way to Sitka, Alaska, and upon arrival at that port you will report in person to the United States district attorney for the district of Alaska, and deliver to him the letter so addressed, the schooner *Black Diamond*, of Victoria, British Columbia, her outfit, and the persons of Capt. Owen Thomas and Mate Alexander Galt, and set her crew at liberty. After being relieved of the property and persons intrusted to your care, you will await at Sitka the arrival of the *Rush*.

Very respectfully, etc.,

L. G. SHEPARD,
Captain U. S. Revenue Steamer Rush.

For the other inclosures see House Ex. Doc. No. 450, Fifty-first Congress, first session, pp. 6–9.

Mr. Edwardes to Mr. Blaine.

BRITISH LEGATION,
Washington, October 14, 1889.

MY DEAR MR. BLAINE: When I had the honor to read to you on Saturday, the 12th instant, the two dispatches addressed to me by the Marquis of Salisbury on the subject of the seizures of British sealers in Behring sea, you inquired of me when I reached the passage which runs as follows, "Mr. Bayard did indeed communicate to us, unofficially, an assurance that no further seizures of this character should take place pending the discussion of the questions involved between the two Governments," if I could tell you in what way this assurance was officially communicated to Her Majesty's Government. I replied

that I believed it had been so communicated in a letter addressed by Mr. Bayard to Sir Lionel West, and that that letter would be found in the printed correspondence on the subject which was laid before Congress this year.

I have since learned that the assurance which Lord Salisbury had in mind when writing the dispatch I read was not that to which I referred in my reply to you, but was an assurance communicated unofficially to his lordship by the United States minister in London, and also by Mr. Bayard to Sir Lionel West in the month of April last year.

I have, etc.,

H. G. EDWARDES.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, January 22, 1890.

SIR: Several weeks have elapsed since I had the honor to receive through the hands of Mr. Edwardes copies of two dispatches from Lord Salisbury complaining of the course of the United States revenue-cutter *Rush* in intercepting Canadian vessels sailing under the British flag and engaged in taking fur seals in the waters of the Behring Sea.

Subjects which could not be postponed have engaged the attention of this Department and have rendered it impossible to give a formal answer to Lord Salisbury until the present time.

In the opinion of the President, the Canadian vessels arrested and detained in the Behring Sea were engaged in a pursuit that was in itself *contra bonos mores*, a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and people of the United States. To establish this ground it is not necessary to argue the question of the extent and nature of the sovereignty of this Government over the waters of the Behring Sea; it is not necessary to explain, certainly not to define, the powers and privileges ceded by His Imperial Majesty the Emperor of Russia in the treaty by which the Alaskan territory was transferred to the United States. The weighty considerations growing out of the acquisition of that territory, with all the rights on land and sea inseparably connected therewith, may be safely left out of view, while the grounds are set forth upon which this Government rests its justification for the action complained of by Her Majesty's Government.

It can not be unknown to Her Majesty's Government that one of the most valuable sources of revenue from the Alaskan possessions is the fur-seal fisheries of the Behring Sea. Those fisheries had been exclusively controlled by the Government of Russia, without interference or without question, from their original discovery until the cession of Alaska to the United States in 1867. From 1867 to 1886 the possession in which Russia had been undisturbed was enjoyed by this Government also. There was no interruption and no intrusion from any source. Vessels from other nations passing from time to time through Behring Sea to the Arctic Ocean in pursuit of whales had always abstained from taking part in the capture of seals.

This uniform avoidance of all attempts to take fur seal in those waters had been a constant recognition of the right held and exercised first by Russia and subsequently by this Government. It has also been

the recognition of a fact now held beyond denial or doubt that the taking of seals in the open sea rapidly leads to their extinction. This is not only the well-known opinion of experts, both British and American, based upon prolonged observation and investigation, but the fact had also been demonstrated in a wide sense by the well-nigh total destruction of all seal fisheries except the one in the Behring Sea, which the Government of the United States is now striving to preserve, not altogether for the use of the American people but for the use of the world at large.

The killing of seals in the open sea involves the destruction of the female in common with the male. The slaughter of the female seal is reckoned as an immediate loss of three seals, besides the future loss of the whole number which the bearing seal may produce in the successive years of life. The destruction which results from killing seals in the open sea proceeds, therefore, by a ratio which constantly and rapidly increases, and insures the total extermination of the species within a very brief period. It has thus become known that the only proper time for the slaughter of seals is at the season when they betake themselves to the land, because the land is the only place where the necessary discrimination can be made as to the age and sex of the seal. It would seem, then, by fair reasoning, that nations not possessing the territory upon which seals can increase their numbers by natural growth, and thus afford an annual supply of skins for the use of mankind, should refrain from the slaughter in open sea where the destruction of the species is sure and swift.

After the acquisition of Alaska the Government of the United States, through competent agents working under the direction of the best experts, gave careful attention to the improvement of the seal fisheries. Proceeding by a close obedience to the laws of nature, and rigidly limiting the number to be annually slaughtered, the Government succeeded in increasing the total number of seals and adding correspondingly and largely to the value of the fisheries. In the course of a few years of intelligent and interesting experiment the number that could be safely slaughtered was fixed at 100,000 annually. The Company to which the administration of the fisheries was intrusted by a lease from this Government has paid a rental of $50,000 per annum, and in addition thereto $2.62½ per skin for the total number taken. The skins were regularly transported to London to be dressed and prepared for the markets of the world, and the business had grown so large that the earnings of English laborers, since Alaska was transferred to the United States, amount in the aggregate to more than $12,000,000.

The entire business was then conducted peacefully, lawfully, and profitably—profitably to the United States for the rental was yielding a moderate interest on the large sum which this Government had paid for Alaska, including the rights now at issue; profitably to the Alaskan Company, which, under governmental direction and restriction, had given unwearied pains to the care and development of the fisheries; profitably to the Aleuts, who were receiving a fair pecuniary reward for their labors, and were elevated from semisavagery to civilization and to the enjoyment of schools and churches provided for their benefit by the Government of the United States; and, last of all, profitably to a large body of English laborers who had constant employment and received good wages.

This, in brief, was the condition of the Alaska fur-seal fisheries down to the year 1886. The precedents, customs, and rights had been established and enjoyed, either by Russia or the United States, for nearly a

century. The two nations were the only powers that owned a foot of land on the continents that bordered, or on the islands included within, the Behring waters where the seals resort to breed. Into this peaceful and secluded field of labor, whose benefits were so equitably shared by the native Aleuts of the Pribilof Islands, by the United States, and by England, certain Canadian vessels in 1886 asserted their right to enter, and by their ruthless course to destroy the fisheries and with them to destroy also the resulting industries which are so valuable. The Government of the United States at once proceeded to check this movement, which, unchecked, was sure to do great and irreparable harm.

It was cause of unfeigned surprise to the United States that Her Majesty's Government should immediately interfere to defend and encourage (surely to encourage by defending) the course of the Canadians in disturbing an industry which had been carefully developed for more than ninety years under the flags of Russia and the United States—developed in such a manner as not to interfere with the public rights or the private industries of any other people or any other person.

Whence did the ships of Canada derive the right to do in 1886 that which they had refrained from doing for more than ninety years? Upon what grounds did her Majesty's Government defend in the year 1886 a course of conduct in the Behring Sea which she had carefully avoided ever since the discovery of that sea? By what reasoning did Her Majesty's Government conclude that an act may be committed with impunity against the rights of the United States which had never been attempted against the same rights when held by the Russian Empire?

So great has been the injury to the fisheries from the irregular and destructive slaughter of seals in the open waters of the Behring Sea by Canadian vessels, that whereas the Government had allowed 100,000 to be taken annually for a series of years, it is now compelled to reduce the number to 60,000. If four years of this violation of natural law and neighbor's rights has reduced the annual slaughter of seal by 40 per cent, it is easy to see how short a period will be required to work the total destruction of the fisheries.

The ground upon which Her Majesty's Government justifies, or at least defends the course of the Canadian vessels, rests upon the fact that they are committing their acts of destruction on the high seas, viz, more than 3 marine miles from the shore line. It is doubtful whether Her Majesty's Government would abide by this rule if the attempt were made to interfere with the pearl fisheries of Ceylon, which extend more than 20 miles from the shore line and have been enjoyed by England without molestation ever since their acquisition. So well recognized is the British ownership of those fisheries, regardless of the limit of the three-mile line, that Her Majesty's Government feels authorized to sell the pearl-fishing right from year to year to the highest bidder. Nor is it credible that modes of fishing on the Grand Banks, altogether practicable but highly destructive, would be justified or even permitted by Great Britain on the plea that the vicious acts were committed more than 3 miles from shore.

There are, according to scientific authority, "great colonies of fish" on the "Newfoundland banks." These colonies resemble the seats of great populations on land. They remain stationary, having a limited range of water in which to live and die. In these great "colonies" it is, according to expert judgment, comparatively easy to explode dynamite or giant powder in such manner as to kill vast quantities of fish, and at the same time destroy countless numbers of eggs. Stringent laws have

been necessary to prevent the taking of fish by the use of dynamite in many of the rivers and lakes of the United States. The same mode of fishing could readily be adopted with effect on the more shallow parts of the banks, but the destruction of fish in proportion to the catch, says a high authority, might be as great as ten thousand to one. Would Her Majesty's Government think that so wicked an act could not be prevented and its perpetrators punished simply because it had been committed outside of the 3-mile line?

Why are not the two cases parallel? The Canadian vessels are engaged in the taking of fur seal in a manner that destroys the power of reproduction and insures the extermination of the species. In exterminating the species an article useful to mankind is totally destroyed in order that temporary and immoral gain may be acquired by a few persons. By the employment of dynamite on the banks it is not probable that the total destruction of fish could be accomplished, but a serious diminution of a valuable food for man might assuredly result. Does Her Majesty's Government seriously maintain that the law of nations is powerless to prevent such violation of the common rights of man? Are the supporters of justice in all nations to be declared incompetent to prevent wrongs so odious and so destructive?

In the judgment of this Government the law of the sea is not lawlessness. Nor can the law of the sea and the liberty which it confers and which it protects be perverted to justify acts which are immoral in themselves, which inevitably tend to results against the interests and against the welfare of mankind. One step beyond that which Her Majesty's Government has taken in this contention, and piracy finds its justification. The President does not conceive it possible that Her Majesty's Government could in fact be less indifferent to these evil results than is the Government of the United States. But he hopes that Her Majesty's Government will, after this frank expression of views, more readily comprehend the position of the Government of the United States touching this serious question. This Government has been ready to concede much in order to adjust all differences of view, and has, in the judgment of the President, already proposed a solution not only equitable but generous. Thus far Her Majesty's Government has declined to accept the proposal of the United States. The President now awaits with deep interest, not unmixed with solicitude, any proposition for reasonable adjustment which Her Majesty's Government may submit. The forcible resistance to which this Government is constrained in the Behring Sea is, in the President's judgment, demanded not only by the necessity of defending the traditional and long-established rights of the United States, but also the rights of good government and of good morals the world over.

In this contention the Government of the United States has no occasion and no desire to withdraw or modify the positions which it has at any time maintained against the claims of the Imperial Government of Russia. The United States will not withhold from any nation the privileges which it demanded for itself when Alaska was part of the Russian Empire. Nor is the Government of the United States disposed to exercise in those possessions any less power or authority than it was willing to concede to the Imperial Government of Russia when its sovereignty extended over them. The President is persuaded that all friendly nations will concede to the United States the same rights and privileges on the lands and in the waters of Alaska which the same friendly nations always conceded to the Empire of Russia.

I have, etc.,

JAMES G. BLAINE.

CORRESPONDENCE RELATIVE TO PROPOSED INTERNATIONAL MEASURES FOR THE PROTECTION OF FUR-SEALS—(*Continued.*)

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *February 10, 1890.*

SIR: Her Majesty's Government have had for sometime under their consideration the suggestion made in the course of our interviews on the question of the seal fisheries in Behring's Sea, that it might expedite a settlement of the controversy if the tripartite negotiation respecting the establishment of a close time for those fisheries which was commenced in London in 1888, but was suspended owing to various causes, should be resumed in Washington.

I now have the honor to inform you that Her Majesty's Government are willing to adopt this suggestion, and if agreeable to your Government will take steps concurrently with them to invite the participation of Russia in the renewed negotiations.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 1, 1890.

MY DEAR SIR JULIAN: I have extracted from official documents and appended hereto a large mass of evidence, given under oath by professional experts and officers of the United States, touching the subject upon which you desired further proof, namely, that the killing of seals in the open sea tends certainly and rapidly to the extermination of the species. If further evidence is desired, it can be readily furnished.

I have, etc.,

JAMES G. BLAINE.

(For inclosures see House Ex. Doc. No. 450, Fifty-first Congress, first session, pp. 15–25.)

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *April —, 1890.* (Received April 30.)

DEAR MR. BLAINE: At the last sitting of the Conference on the Behring Sea Fisheries question, you expressed doubts, after reading the memorandum of the Canadian Minister of Marine and Fisheries, which by your courtesy has since been printed, whether any arrangement could be arrived at that would be satisfactory to Canada.

You observed that the proposals of the United States had now been two years before Her Majesty's Government, that there was nothing further to urge in support of it; and you invited me to make a counter proposal on their behalf. To that task I have most earnestly applied myself, and while fully sensible of its great difficulty, owing to the conflict of opinion and of testimony which has manifested itself in the course of our discussions, I do not despair of arriving at a solution which

will be satisfactory to all the Governments concerned. It has been admitted, from the commencement, that the sole object of the negotiation is the preservation of the fur-seal species for the benefit of mankind, and that no considerations of advantage to any particular nation, or of benefit to any private interest, should enter into the question.

Such being the basis of negotiation, it would be strange indeed if we should fail to devise the means of solving the difficulties which have unfortunately arisen. I will proceed to explain by what method this result can, in my judgment, be attained. The great divergence of views which exists as to whether any restrictions on pelagic sealing are necessary for the preservation of the fur-seal species, and if so, as to the character and extent of such restrictions, renders it impossible in my opinion to arrive at any solution which would satisfy public opinion either in Canada or Great Britain, or in any country which may be invited to accede to the proposed arrangement, without a full inquiry by a mixed commission of experts, the result of whose labors and investigations, in the region of the seal fishery, would probably dispose of all the points in dispute.

As regards the immediate necessities of the case I am prepared to recommend to my Government for their approval and acceptance certain measures of precaution which might be adopted provisionally and without prejudice to the ultimate decision on the points to be investigated by the commission. Those measures, which I will explain later on, would effectually remove all reasonable apprehension of any depletion of the fur-seal species, at all events, pending the report of the commission.

It is important, in this relation, to note that while it has been contended on the part of the United States Government that the depletion of the fur-seal species has already commenced, and that even the extermination of the species is threatened within a measurable space of time, the latest reports of the United States agent, Mr. Tingle, are such as to dissipate all such alarms.

Mr. Tingle, in 1887, reported that the vast number of seals was on the increase, and that the condition of all the rookeries could not be better.

In his later report, dated July 31, 1888, he wrote as follows:

> I am happy to be able to report that, although late landing, the breeding rookeries are filled out to the lines of measurement heretofore made, and some of them much beyond those lines, showing conclusively that seal life is not being depleted, but is fully up to the estimate given in my report of 1887.

Mr. Elliot, who is frequently appealed to as a great authority on the subject, affirms that, such is the natural increase of the fur-seal species that these animals, were they not preyed upon by killer whales (*Orca gladiator*), sharks, and other submarine foes, would multiply to such an extent that "Behring Sea itself could not contain them."

The Honorable Mr. Tupper has shown in his memorandum that the destruction of seals caused by pelagic sealing is insignificant in comparison with that caused by their natural enemies, and gives figures exhibiting the marvelous increase of seals in spite of the depredations complained of.

Again the destructive nature of the modes of killing seals by spears and firearms has apparently been greatly exaggerated as may be seen from the affidavits of practical seal hunters which I annex to this letter, together with a confirmatory extract from a paper upon the "Fur-Seal Fisheries of the Pacific Coast and Alaska," prepared and published in San Francisco and designed for the information of Eastern United States Senators and Congressmen.

The Canadian Government estimate the percentage of seals so wounded or killed and not recovered at 6 per cent.

In view of the facts above stated, it is improbable that pending the result of the inquiry, which I have suggested, any appreciable diminution of the fur-seal species should take place, even if the existing conditions of pelagic sealing were to remain unchanged.

But in order to quiet all apprehension on that score, I would propose the following provisional regulations.

1. That pelagic sealing should be prohibited in the Behring Sea, the Sea of Okhotsk, and the adjoining waters, during the months of May and June, and during the months of October, November, and December, which may be termed the "migration periods" of the fur seal.

2. That all sealing vessels should be prohibited from approaching the breeding islands within a radius of 10 miles.

These regulations would put a stop to the two practices complained of as tending to exterminate the species; firstly, the slaughter of female seals with young during the migration periods, especially in the narrow passes of the Aleutian Islands; secondly, the destruction of female seals by marauders surreptitiously landing on the breeding islands under cover of the dense fogs which almost continuously prevail in that locality during the summer.

Mr. Taylor, another agent of the United States Government asserts that the female seals (called cows) go out from the breeding islands every day for food. The following is an extract from his evidence:

> The cows go 10 and 15 miles, and even farther. I do not know the average of it—and they are going and coming all the morning and evening. The sea is black with them round about the islands. If there is a little fog and they get out half a mile from shore we can not see a vessel 100 yards even. The vessels themselves lay around the islands there where they pick up a good many seal, and there is where the killing of cows occurs when they go ashore.

Whether the female seals go any distance from the islands in quest of food, and if so, to what distance, are questions in dispute, but pending their solution the regulation which I propose against the approach of sealing vessels within 10 miles of the islands for the prevention of surreptitious landing practically meets Mr. Taylor's complaint, be it well founded or not, to the fullest extent; for, owing to the prevalence of fogs, the risk of capture within a radius of 10 miles will keep vessels off at a much greater distance.

This regulation if accepted by Her Majesty's Government would certainly manifest a friendly desire on their part to coöperate with your Government and that of Russia in the protection of their rookeries and in the prevention of any violation of the laws applicable thereto. I have the honor to inclose a draft of a preliminary convention which I have prepared, providing for the appointment of a mixed commission who are to report on certain specified questions within two years.

The draft embodies the temporary regulations above described together with other clauses which appear to me necessary to give proper effect to them.

Although I believe that it would be sufficient during the "migration periods" to prevent all sealing within a specified distance from the passes of the Aleutian Islands I have out of a deference to your views and to the wishes of the Russian Minister, adopted the fishery line described in Article V, and which was suggested by you at the outset of our negotiation. The draft, of course, contemplates the conclusion of a further convention after full examination of the report of the mixed

commission. It also makes provision for the ultimate settlement by arbitration of any differences which the report of the commission may still fail to adjust, whereby the important element of finality is secured, and in order to give to the proposed arrangement the widest international basis, the draft provides that the other powers shall be invited to accede to it.

The above proposals are, of course, submitted *ad referendum*, and it only now remains for me to commend them to your favorable consideration and to that of the Russian Minister. They have been framed by me in a spirit of justice and conciliation, and with the most earnest desire to terminate the controversey in a manner honorable to all parties and worthy of the three great nations concerned.

I have, etc.,

JULIAN PAUNCEFOTE.

(For inclosures see House Ex. Doc. No. 450, pp. 54–60.)

The Marquis of Salisbury to Sir Julian Pauncefote.

[Left at the Department of State on June 5 by Sir Julian Pauncefote.]

No. 106.] FOREIGN OFFICE, *May 22, 1890.*

SIR: I received in due course your dispatch No. 9, of the 23d January, inclosing copy of Mr. Blaine's note of the 22d of that month, in answer to the protest made on behalf of Her Majesty's Government on the 12th October last, against the seizure of Canadian vessels by the United States revenue-cutter *Rush* in Behring Sea.

The importance of the subject necessitated a reference to the Government of Canada, whose reply has only recently reached Her Majesty's Government. The negotiations which have taken place between Mr. Blaine and yourself afford strong reason to hope that the difficulties attending this question are in a fair way towards an adjustment which will be satisfactory to both Governments. I think it right, however, to place on record, as briefly as possible, the views of Her Majesty's Government on the principal arguments brought forward on behalf of the United States.

Mr. Blaine's note defends the acts complained of by Her Majesty's Government on the following grounds:

1. That "the Canadian vessels arrested and detained in the Behring Sea were engaged in a pursuit that is in itself *contra bonos mores*—a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and people of the United States."

2. That the fisheries had been in the undisturbed possession and under the exclusive control of Russia from their discovery until the cession of Alaska to the United States in 1867, and that from this date onwards until 1886 they had also remained in the undisturbed possession of the United States Government.

3. That it is a fact now held beyond denial or doubt that the taking of seals in the open sea rapidly leads to the extinction of the species, and that therefore nations not possessing the territory upon which seals can increase their numbers by natural growth should refrain from the slaughter of them in the open sea.

Mr. Blaine further argues that the law of the sea and the liberty

which it confers do not justify acts which are immoral in themselves, and which inevitably tend to results against the interests and against the welfare of mankind; and he proceeds to justify the forcible resistance of the United States Government by the necessity of defending not only their own traditional and long-established rights, but also the rights of good morals and of good government the world over.

He declares that while the United States will not withhold from any nation the privileges which they demanded for themselves, when Alaska was part of the Russian Empire, they are not disposed to exercise in the possessions acquired from Russia any less power or authority than they were willing to concede to the Imperial Government of Russia when its sovereignty extended over them. He claims from friendly nations a recognition of the same rights and privileges on the lands and in the waters of Alaska which the same friendly nations always conceded to the Empire of Russia.

With regard to the first of these arguments, namely, that the seizure of the Canadian vessels in the Behring's Sea was justified by the fact that they were "engaged in a pursuit that is in itself *contra bonos mores*—a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and people of the United States," it is obvious that two questions are involved: first, whether the pursuit and killing of fur seals in certain parts of the open sea is, from the point of view of international morality, an offense *contra bonos mores;* and secondly, whether, if such be the case, this fact justifies the seizure on the high seas and subsequent confiscation in time of peace of the private vessels of a friendly nation.

It is an axiom of international maritime law that such action is only admissible in the case of piracy or in pursuance of special international agreement. This principle has been universally admitted by jurists, and was very distinctly laid down by President Tyler in his special message to Congress, dated the 27th February, 1843, when, after acknowledging the right to detain and search a vessel on suspicion of piracy, he goes on to say: "With this single exception, no nation has, in time of peace, any authority to detain the ships of another upon the high seas, on any pretext whatever, outside the territorial jurisdiction."

Now, the pursuit of seals in the open sea, under whatever circumstances, has never hitherto been considered as piracy by any civilized state. Nor, even if the United States had gone so far as to make the killing of fur seals piracy by their municipal law, would this have justified them in punishing offenses against such law committed by any persons other than their own citizens outside the territorial jurisdiction of the United States.

In the case of the slave trade, a practice which the civilized world has agreed to look upon with abhorrence, the right of arresting the vessels of another country is exercised only by special international agreement, and no one government has been allowed that general control of morals in this respect which Mr. Blaine claims on behalf of the United States in regard to seal-hunting.

But Her Majesty's Government must question whether this pursuit can of itself be regarded as *contra bonos mores*, unless and until, for special reasons, it has been agreed by international arrangement to forbid it. Fur seals are indisputably animals *feræ naturæ*, and these have universally been regarded by jurists as *res nullius* until they are caught; no person, therefore, can have property in them until he has actually reduced them into possession by capture.

It requires something more than a mere declaration that the Govern-

ment or citizens of the United States, or even other countries interested in the seal trade, are losers by a certain course of proceeding, to render that course an immoral one.

Her Majesty's Government would deeply regret that the pursuit of fur seals on the high seas by British vessels should involve even the slightest injury to the people of the United States. If the case be proved, they will be ready to consider what measures can be properly taken for the remedy of such injury, but they would be unable on that ground to depart from a principle on which free commerce on the high seas depends.

The second argument advanced by Mr. Blaine is that the "fur-seal fisheries of Behring Sea had been exclusively controlled by the Government of Russia, without interference and without question, from their original discovery until the cession of Alaska to the United States in 1867," and that "from 1867 to 1886 the possession, in which Russia had been undisturbed, was enjoyed by the United States Government also without interruption or intrusion from any source."

I will deal with these two periods separately.

First, as to the alleged exclusive monopoly of Russia. After Russia, at the instance of the Russian American Fur Company, claimed in 1821 the pursuits of commerce, whaling, and fishing from Bering Straits to the fifty-first degree of north latitude, and not only prohibited all foreign vessels from landing on the coasts and islands of the above waters, but also prevented them from approaching within 100 miles thereof, Mr. Quincy Adams wrote as follows to the United States Minister in Russia:

> The United States can admit no part of these claims; their right of navigation and fishing is perfect, and has been in constant exercise from the earliest times throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions.

That the right of fishing thus asserted included the right of killing fur-bearing animals is shown by the case of the United States brig *Loriot*. That vessel proceeded to the waters over which Russia claimed exclusive jurisdiction for the purpose of hunting the sea otter, the killing of which is now prohibited by the United States statutes applicable to the fur seal, and was forced to abandon her voyage and leave the waters in question by an armed vessel of the Russian Navy. Mr. Forsythe, writing on the case to the American Minister at St. Petersburg on the 4th of May, 1837, said:

> It is a violation of the rights of the citizens of the United States, immemorially exercised and secured to them as well by the law of nations as by the stipulations of the first article of the convention of 1824, to fish in those seas, and to resort to the coast for the prosecution of their lawful commerce upon points not already occupied.

From the speech of Mr. Sumner, when introducing the question of the purchase of Alaska to Congress, it is equally clear that the United States Government did not regard themselves as purchasing a monopoly. Having dealt with fur bearing animals, he went on to treat of fisheries, and after alluding to the presence of different species of whales in the vicinity of the Aleutians, said: "No sea is now *mare clausum:* all of these may be pursued by a ship under any flag, except directly on the coast or within its territorial limit."

I now come to the statement that from 1867 to 1886 the possession was enjoyed by the United States with no interruption and no intrusion from any source. Her Majesty's Government can not but think that

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Mr. Blaine has been misinformed as to the history of the operations in Behring Sea during that period.

The instances recorded in inclosure 1 in this dispatch are sufficient to prove from official United States sources that from 1867 to 1886 British vessels were engaged at intervals in the fur-seal fisheries with the cognizance of the United States Government. I will here by way of example quote but one.

In 1872 Collector Phelps reported the fitting out of expeditions in Australia and Victoria for the purpose of taking seals in Behring Sea, while passing to and from their rookeries on St. Paul and St. George Islands, and recommended that a steam cutter should be sent to the region of Unimak Pass and the islands of St. Paul and St. George.

Mr. Secretary Boutwell informed him, in reply, that he did not consider it expedient to send a cutter to interfere with the operations of foreigners, and stated: "In addition, I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose, unless they made such attempt within a marine league of the shore."

Before leaving this part of Mr. Blaine's argument, I would allude to his remark that "vessels from other nations passing from time to time through Behring Sea to the Arctic Ocean in pursuit of whales have always abstained from taking part in the capture of seals," which he holds to be proof of the recognition of rights held and exercised first by Russia and then by the United States.

Even if the facts are as stated, it is not remarkable that vessels pushing on for the short season in which whales can be captured in the Arctic Ocean, and being fitted especially for the whale fisheries, neglected to carry boats and hunters for fur seals or to engage in an entirely different pursuit.

The whalers, moreover, pass through Behring Sea for the fishing grounds in the Arctic Ocean in April and May as soon as the ice breaks up, while the great bulk of the seals do not reach the Pribilof Islands till June, leaving again by the time the closing of the ice compels the whalers to return.

The statement that it is "a fact now held beyond denial or doubt that the taking of seals in the open sea rapidly leads to their extinction" would admit of reply, and abundant evidence could be adduced on the other side. But as it is proposed that this part of the question should be examined by a committee to be appointed by the two Governments, it is not necessary that I should deal with it here.

Her Majesty's Government do not deny that if all sealing were stopped in Behring Sea except on the islands in possession of the lessees of the United States, the seal may increase and multiply at an even more extraordinary rate than at present, and the seal fishery on the island may become a monopoly of increasing value; but they can not admit that this is sufficient ground to justify the United States in forcibly depriving other nations of any share in this industry in waters which, by the recognized law of nations, are now free to all the world.

It is from no disrespect that I refrain from replying specifically to the subsidiary questions and arguments put forward by Mr. Blaine. Till the views of the two Governments as to the obligations attaching, on grounds either of morality or necessity, to the United States Government in this matter, have been brought into closer harmony, such a course would appear needlessly to extend a controversy which Her Majesty's Government are anxious to keep within reasonable limits.

The negotiations now being carried on at Washington prove the readiness of Her Majesty's Government to consider whether any special international agreement is necessary for the protection of the fur-seal ing industry. In its absence they are unable to admit that the case put forward on behalf of the United States affords any sufficient justification for the forcible action already taken by them against peaceable subjects of Her Majesty engaged in lawful operations on the high seas.

"The President," says Mr. Blaine, "is persuaded that all friendly nations will concede to the United States the same rights and privileges on the lands and in the waters of Alaska which the same friendly nations always conceded to the Empire of Russia."

Her Majesty's Government have no difficulty in making such a concession. In strict accord with the views which, previous to the present controversy, were consistently and successfully maintained by the United States, they have, whenever occasion arose, opposed all claims to exclusive privileges in the nonterritorial waters of Behring Sea. The rights they have demanded have been those of free navigation and fishing in waters which, previous to their own acquisition of Alaska, the United States declared to be free and open to all foreign vessels.

That is the extent of their present contention and they trust that, on consideration of the arguments now presented to them, the United States will recognize its justice and moderation.

I have to request that you will read this dispatch to Mr. Blaine and leave a copy of it with him should he desire it.

I am, etc.,

SALISBURY.

[Inclosure.]

In 1870 Collector Phelps reported "the barque *Cygne* has arrived at this port (San Francisco) from Alaska, having on board 47 seal skins." (See Ex. Doc. No. 83, Forty-fourth Congress, first session.)

In 1872 he reported expeditions fitting out in Australia and Victoria for the purpose of taking seals in Behring Sea, and was informed that it was not expedient to interfere with them.

In 1874, Acting Secretary Sawyer, writing to Mr. Elliott, special agent, said:

"It having been officially reported to this Department by the collector of customs at Port Townsend, from Neah Bay, that British vessels from Victoria cross over into American waters and engage in taking fur-seals (which he represents are annually becoming more numerous on our immediate coast) to the great injury of our sealers, both white and Indian, you will give such proper attention to the examination of the subject as its importance may seem to you, after careful inquiry, to demand, and with a view to a report to the Department of all facts ascertained." (Ditto, May 4, No. 117, p. 114.)

In 1875, Mr. McIntyre, Treasury agent, described how "before proceeding to harsh measures" he had warned the captain of the *Cygnet*, who was shooting seals in Zapadnee Bay, and stated that the captain appeared astonished that he was breaking the law. (Ditto, March 15, 1875, No. 130, p. 124.)

In 1880, the fur-seal trade of the British Columbia coast was of great importance. Seven vessels were then engaged in the fishery, of which the greater number were, in 1886 and 1887, seized by the United States Government in Behring Sea.

In 1884 Daniel and Alexander McLean, both British subjects, took the American schooner *San Diego* to Behring Sea, and were so successful that they returned there in 1885, from Victoria, with the *Mary Ellen* and the *Favourite*.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *May 23, 1890.*

SIR: I have the honor to inform you that a statement having appeared in the newspapers to the effect that the United States revenue cruisers have received orders to proceed to Behring Sea for the purpose of preventing the exercise of the seal fishery by foreign vessels in nonterritorial waters, and that statement having been confirmed yesterday by you, I am instructed by the Marquis of Salisbury to state to you that a formal protest by Her Majesty's Government against any such interference with British vessels will be forwarded to you without delay.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 26, 1890.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, in which you inform me that Her Britannic Majesty's Government will formally protest against certain action recently taken by this Government for the protection of the Alaskan seal fisheries.

I have, etc.,

JAMES G. BLAINE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 29, 1890.

SIR: Your note of the 23d instant, already acknowledged, informs this Government that you "have been instructed by the Marquis of Salisbury to state that Her Majesty's Government would forward without delay a protest" against the course which this Government has found it necessary, under the laws of Congress, to pursue in the waters of the Bering Sea.

In turn, I am instructed by the President to protest against the course of the British Government in authorizing, encouraging, and protecting vessels which are not only interfering with American rights in the Behring Sea, but which are doing violence as well to the rights of the civilized world. They are engaged in a warfare against seal life, disregarding all the regulations which lead to its protection and committing acts which lead ultimately to its destruction, as has been the case in every part of the world where the abuses which are now claimed as British rights have been practiced.

The President is surprised that such protest should be authorized by Lord Salisbury, especially because the previous declarations of his lordship would seem to render it impossible. On the 11th day of November, 1887, Lord Salisbury, in an official interview with the Minister from the United States (Mr. Phelps), cordially agreed that "a code of regulations should be adopted for the preservation of the seals in Behr-

ing Sea from destruction at improper times, by improper means, by the citizens of either country." And Lord Salisbury suggested that Mr. Phelps "should obtain from his Government and submit to him (Lord Salisbury) a sketch of a system of regulations which would be adequate for the purpose." Further interviews were held during the following month of February (1888) between Lord Salisbury and the American Minister, and between Lord Salisbury and the American Minister accompanied by the Russian embassador. In answer to Lord Salisbury's request Mr. Phelps submitted the "regulations" which the Government of the United States desired; and in a dispatch of February 25 Mr. Phelps communicated the following to Mr. Bayard, Secretary of State:

> Lord Salisbury assents to your proposition, to establish by mutual arrangement between the governments interested, a close time for fur seals, between April 15 and November 1, and between 160 degrees of longitude west and 170 degrees of longitude east in the Behring Sea. And he will cause an act to be introduced into Parliament to give effect to this arrangement so soon as it can be prepared. In his opinion there is no doubt that the act will be passed.
>
> He will also join the United States Government in any preventive measures it may be thought best to adopt, by orders issued to the naval vessels of the respective governments in that region.

Early in April (1888) the Russian ambassador, Mr. de Staal, advised the American chargé "that the Russian Government would like to have the regulations which might be agreed upon for the Behring Sea extended to that portion of the latter in which the Commander Islands are situated, and also to the Sea of Okhotsk, in which Robben Island is situated."

On the 16th of April, at Lord Salisbury's invitation, the Russian ambassador and Mr. White, the American chargé (Mr. Phelps being absent from London) met at the foreign office "for the purpose of discussing with Lord Salisbury the details of the proposed conventional arrangement for the protection of seals in Behring Sea."

"With a view to meeting the Russian Government's wishes respecting the waters surrounding Robben Island, his lordship suggested that beside the whole of Bering Sea those portions of the Sea of Okhotsk and of the Pacific Ocean north of north latitude 47, should be included in the proposed arrangement. His lordship intimated furthermore, that the period proposed by the United States for a close time, from April 15 to November 1, might interfere with the trade longer than absolutely necessary for the protection of seals, and he suggested October 1, instead of a month later, as the termination of the period of seal protection." Furthermore, Lord Salisbury "promised to have a draft convention prepared for submission to the Russian ambassador and the American minister."

On the 23d of April the American chargé was informed by Lord Salisbury that "it is now proposed to give effect to a seal convention by order in council, not by act of Parliament." It was understood that this course was proposed by Lord Salisbury in order that the regulations needed in Behring Sea might be promptly applied.

You will observe, then, that from the 11th of November, 1887, to the 23d of April, 1888, Lord Salisbury had in every form of speech assented to the necessity of a close season for the protection of the seals.

The shortest period which he named was from the 15th of April to the 1st of October—five and one half months. In addition, his lordship suggested that the closed sea for the period named should include the whole of the Behring Sea and should also include such portion of the Sea of Okhotsk as would be necessary to protect the Russian seal fish-

ery on Robben Island; that the closed season be extended as far south as the 47th degree of north latitude—120 miles south of the northern boundary of the United States on the Pacific Ocean. He promised further to draft a convention upon the subject between England, Russia, and the United States.

These assurances were given to the American minister, to the American chargé, to the Russian ambassador, and on more than one occasion to two of them together. The United States had no reason, therefore, to doubt that the whole dispute touching the seal fisheries was practically settled. Indeed to have distrusted it would have been to question the good faith of Lord Salisbury. In diplomatic intercourse between Great Britain and the United States, be it said to the honor of both governments, a verbal assurance from a minister has always been equal to his written pledge. Speaking the same language, there has been no room for misunderstanding between the representatives of the two governments, as may easily happen between those of different tongues. For a period of six months, therefore, without retraction or qualification, without the suggestion of a doubt or the dropping of a hint, the understanding between the two governments, on the assurance of Lord Salisbury, was as complete as language could make it.

On the 28th of April, five days after Lord Salisbury's last pointed assurance, five days after he had proposed to perfect the scheme, not by the delay of Parliament, but by the promptness of an order in council, the American chargé was informed that the act of Parliament would be necessary in addition to the order in council, and that neither act nor order could be drafted "until Canada is heard from."

For several weeks following April 28, there were many calls by the American chargé at the foreign office to learn whether "Canada had been heard from." He called alone and called in company with the Russian ambassador. Finally, on the 20th of June, Lord Salisbury told him that an urgent telegram had been "sent to Canada a week ago with respect to the delay in its expedition," and that a reply had been "received by the secretary of state for the colonies, saying that the matter will be taken up immediately." Mr. White, relying entirely upon these assurances, ventured to "hope that shortly after Mr. Phelps' return the British Government will be in a condition to agree upon the terms of the proposed convention.

Mr. Phelps returned to London on the 22d of June, two days after Mr. White's interview with Lord Salisbury, and immediately after the urgent telegram had been sent to Canada. On the 28th of July Mr. Phelps had received no assurances from Lord Salisbury, and telegraphed the Department of State his "fear that, owing to Canadian opposition, we shall get no convention." In a dispatch to his Government of the 12th of September, he related having had interviews with Lord Salisbury respecting the convention, which, he says, had been "virtually agreed upon, except in its details." Mr. Phelps goes on to say:

> The consideration of it has been suspended for communication by the British Government with the Canadian Government, for which purpose an interval of several months had been allowed to elapse. During this long interval the attention of Lord Salisbury had been repeatedly called to the subject by the American legation, and on those occasions the answer received from him was that no reply from the Canadian authorities had arrived.

Mr. Phelps proceeds in the dispatch of September 12 to say:

> I again pressed Lord Salisbury for the completion of the convention, as the extermination of seals by the Canadian vessels was understood to be rapidly proceeding.

His lordship, in reply, did not question the propriety or the importance of taking measures to prevent the wanton destruction of so valuable an industry in which, as he remarked, England had a large interest of its own; but his lordship stated that the Canadian Government objected to any such restrictions, and that until its consent could be obtained Her Majesty's Government was not willing to enter into the convention.

It was thus finally acknowledged that the negotiation into which Lord Salisbury had cordially entered, and to which he had readily agreed, even himself suggesting some of its most valuable details, was entirely subordinated to the judgment and desire of the Canadian Government. This Government can not but feel that Lord Salisbury would have dealt more frankly if, in the beginning, he had informed Minister Phelps that no arrangement could be made unless Canada concurred in it, and that all negotiation with the British Government direct was but a loss of time.

When you, Mr. Minister, arrived in this country a year ago, there seemed the best prospect for a settlement of this question, but the Russian minister and the American Secretary of State have had the experiences of Mr. Phelps and the Russian ambassador in London repeated. In our early interviews there seemed to be as ready a disposition on your part to come to a reasonable and friendly adjustment as there has always been on our part to offer one. You will not forget an interview between yourself, the Russian minister, and myself, in which the lines for a close season in the Behring Sea laid down by Lord Salisbury were almost exactly repeated by yourself, and were inscribed on maps which were before us, a copy of which is in the possession of the Russian minister, and a copy also in my possession. A prompt adjustment seemed practicable—an adjustment which I am sure would have been honorable to all the countries interested. No obstacles were presented on the American side of the question. No insistance was made upon the Behring Sea as *mare clausum;* no objection was interposed to the entrance of British ships at all times on all commercial errands through all the waters of the Behring Sea. But our negotiations, as in London, were suddenly broken off for many weeks by the interposition of Canada. When correspondence was resumed on the last day of April, you made an offer for a mixed commission of experts to decide the questions at issue.

Your proposition is that pelagic sealing should be prohibited in the Behring Sea during the months of May, June, October, November, and December, and that there should be no prohibition during the months of July, August, and September. Your proposition involved the condition that British vessels should be allowed to kill seals within 10 miles of the coast of the Pribilof Islands. Lord Salisbury's proposition of 1888 was that during the same months, for which the 10 mile privilege is now demanded, no British vessel hunting seals should come nearer to the Pribilof Islands than the 47th parallel of north latitude, about 600 miles.

The open season which you thus select for killing is the one when the areas around the breeding islands are most crowded with seals, and especially crowded with female seals going forth to secure food for the hundreds of thousands of their young of which they have recently been delivered. The destruction of the females which, according to expert testimony would be 95 per cent of all which the sealing vessels might readily capture, would inflict deadly loss upon the rookeries. The destruction of the females would be followed by the destruction of their young on the islands, and the herds would be diminished the next year

by this wholesale slaughter of the producing females and their offspring.

The ten-mile limit would give the marauders the vantage ground for killing the seals that are in the water by tens of thousands searching for food. The opportunity, under cover of fog and night, for stealing silently upon the islands and slaughtering the seals within a mile or even less of the keeper's residence would largely increase the aggregate destruction. Under such conditions the British vessels could evenly divide with the United States, within the three-mile limit of its own shores and upon the islands themselves, the whole advantage of the seal fisheries. The respect which the sealing vessels would pay to the ten-mile limit would be the same that wolves pay to a flock of sheep so placed that no shepherd can guard them. This arrangement according to your proposal, was to continue for three months of each year, the best months in the season for depredations upon the seal herd. No course was left to the United States or to Russia but to reject the proposition.

The propositions made by Lord Salisbury in 1888 and the propositions made by Her Majesty's Minister in Washington in 1890 are in significant contrast. The circumstances are the same, the conditions are the same, the rights of the United States are the same in both years. The position of England has changed, because the wishes of Canada have demanded the change. The result then with which the United States is expected to be content is that her rights within the Behring Sea and on the islands thereof are not absolute, but are to be determined by one of Her Majesty's provinces.

The British Government would assuredly and rightfully complain if an agreement between her representative and the representative of the United States should, without notice, be broken off by the United States on the ground that the State of California was not willing that it should be completed. California has a governor chosen independently of the executive power of the National Government; Canada has a governor appointed by the British Crown. The legislature of California enacts laws with which the executive power of the United States has no right whatever to interfere; Canada enacts laws with which the executive power of Great Britain can interfere so far as absolutely to annul. Can the Government of the United States be expected to accept as final a decision of the Government of Great Britain that an agreement with the United States can not be fulfilled because the province of Canada objects?

This review of the circumstances which led to the present troubles on the Behring Sea question has been presented by direction of the President in order to show that the responsibility does not rest with this Government. The change of policy made by Her Majesty's Government without notice and against the wish of this Government, is in the President's belief the cause of all the differences that have followed. I am further instructed by the President to say that while your proposals of April 30 can not be accepted, the United States will continue the negotiation in hope of reaching an agreement that may conduce to a good understanding and leave no cause for future dispute. In the President's opinion, owing to delays for which this Government is not responsible, it is too late to conclude such negotiation in time to apply its results the present season. He therefore proposes that Her Majesty's Government agree not to permit the vessels (which in his judgment do injury to the property of the United States) to enter the Behring Sea for this season, in order that time may be secured for negotiation that shall not be disturbed by untoward events or unduly influenced by

popular agitation. If this offer be accepted, the President believes that before another season shall open, the friendly relations existing between the two countries and the mutual desire to continue them, will had to treaty stipulations which shall be permanent, because just and leonorable to all parties.

I have, etc.,

JAMES G. BLAINE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 2, 1890.

MY DEAR SIR JULIAN: I have had a prolonged interview with the President on the matters upon which we are endeavoring to come to an agreement touching the fur-seal question. The President expresses the opinion that an arbitration can not be concluded in time for this season. Arbitration is of little value unless conducted with the most careful deliberation. What the President most anxiously desires to know is whether Lord Salisbury, in order to promote a friendly solution of the question, will make for a single season the regulation which in 1888 he offered to make permanent. The President regards that as the step which will lead most certainly and most promptly to a friendly agreement between the two Governments.

I am, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, D. C., June 3, 1890.

DEAR MR. BLAINE: In reply to your letter of yesterday evening, touching the fur seal question, I beg to state that I am in a position to answer at once the inquiry "Whether Lord Salisbury, in order to promote a friendly solution of the question, will make for a single season the regulation which in 1888 he offered to make permanent."

The words which I quote from your letter have reference no doubt to the proposal of the United States that British sealing vessels should be entirely excluded from the Behring Sea during the seal-fishery season. I shall not attempt to discuss here whether what took place in the course of the abortive negotiations of 1888 amounted to an offer on the part of Lord Salisbury "to make such a regulation permanent."

It will suffice for the present purpose to state that the further examination of the question which has taken place has satisfied His Lordship that such an extreme measure as that proposed in 1888 goes far beyond the requirements of the case.

Her Majesty's Government are quite willing to adopt all measures which shall be satisfactorily proved to be necessary for the preservation of the fur-seal species, and to enforce such measures on British subjects by proper legislation. But they are not prepared to agree to such a regulation as is suggested in your letter for the present fishery season, as, apart from other considerations, there would be no legal power to enforce its observance on British subjects and British vessels.

I have, etc.

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 4, 1890.

SIR: I have your favor of the 2d instant. The President sincerely regrets that his considerate and most friendly proposal for adjustment of all troubles connected with the Behring Sea should be so promptly rejected. The paragraph in your note in which you refer to Lord Salisbury's position needs explanation. I quote it in full:

> It will suffice for the present purpose to state that the further examination of the question which has taken place has satisfied His Lordship that such an extreme measure as that proposed in 1888 goes far beyond the requirements of the case.

I do not know what may have been the "examination of the question" that "has satisfied Lord Salisbury that such an extreme measure as that proposed in 1888 goes far beyond the requirements of the case." I only know that the most extreme measure proposed came from Lord Salisbury himself in suggesting a close season as far south as the forty-seventh parallel of latitude, to last from April 15 to October 1 in each year.

At the close of his negotiations with Mr. Phelps in September, 1888, His Lordship, still approving the "measures to prevent the wanton destruction of so valuable an industry," declared, apparently with regret, that "the Canadian Government objected to any such restrictions" (*i. e.*, as those which His Lordship had in part proposed and wholly approved), and that "until its consent would be obtained Her Majesty's Government was not willing to enter into the convention." It is evident, therefore, that in 1888 Lord Salisbury abruptly closed the negotiations because in his own phrase "the Canadian Government objected." He assigned no other reason whatever, and until your note of the 2d was received this Government had never been informed that His Lordship entertained any other objections than those expressed in September, 1888.

It is proper to recall to your recollection that at divers times in personal conversation I have proposed to you, on behalf of this Government, a close season, materially shorter, in point of time, than was voluntarily offered by Lord Salisbury and much less extended in point of space. Instead of going as far south as the forty-seventh parallel I have frequently indicated the willingness of this Government to take the dividing line between the Pacific Ocean and the Behring Sea—the line which is tangent to the southernmost island of the Aleutian group—being as near as may be the fiftieth parallel of north latitude.

Early in April you will remember that you suggested to me the advantage that might follow if the sailing of the revenue cutters for Behring Sea could be postponed till the middle of May. Though that was a matter entirely under the control of the Treasury Department, Secretary Windom promptly complied with your request, and by the President's direction a still longer postponement was ordered in the hope that some form of equitable adjustment might be proposed by Her Majesty's Government. Even the revenue cutter, which annually passes through Behring Sea carrying supplies to the relief station at Point Barrow in the Arctic Ocean—seventy-second degree of north latitude—was held back lest her appearance in Behring Sea might be misrepresented as a nonobservance of the understanding between us.

It is perfectly clear that if your claim for British vessels to kill seals within 10 miles of the Pribilof Islands, directly after the mothers are

delivered of their young, should be granted, the Behring Sea would swarm with vessels engaged in sealing—not forty or fifty, as now, but many hundreds, through the summer months. If that privilege should be given to Canadian vessels, it must of course, be conceded at once to American vessels. If the rookeries are to be thrown open to Canadians, they would certainly, as matter of common right, be thrown open to citizens of the United States. The seal mothers, which require an area of from 40 to 50 miles from the islands, on all sides, to secure food for their young, would be slaughtered by hundreds of thousands, and in a brief space of time there would be no seals in the Behring Sea. Similar causes have uniformly produced similar effects. Seal rookeries in all parts of the world have been destroyed in that way. The present course of Great Britain will produce the same effect on the only seal rookery of any value left in the waters of the oceans and seas of the globe. The United States have leased the privilege of sealing because only in that way can the rookeries be preserved, and only in that way can this Government derive a revenue from the Pribilof Islands. Great Britain would perhaps gain something for a few years, but it would be at the expense of destroying a valuable interest belonging to a friendly nation—an interest which the civilized world desires to have preserved.

I observe that you quote Treasury Agent George R. Tingle in your dispatch of April 30 as showing that, notwithstanding the depredations of marauders, the total number of seals had increased in the Bering Sea. The rude mode of estimating the total number can readily lead to mistakes, and other agents have differed from Mr. Tingle. But aside from the correctness or incorrectness of Mr. Tingle's conclusions on that point, may I ask upon what grounds do the Canadian vessels assert a claim, unless they assume that they have a title to the increase of the seal herd? If the claim of the United States to the seals of the Pribilof Islands be well founded, we are certainly entitled to the increase as much as a sheep-grower is entitled to the increase of his flock.

Having introduced Mr. Tingle, who has very extensive knowledge touching the seals in Behring Sea, as well as the habits of the Canadian marauders, I trust you will not discredit his testimony. The following statement made by Mr. Tingle in his official report to the Treasury Department at the close of the season of 1887 is respectfully commended to your consideration.

> I am now convinced from what I gather in questioning the men belonging to captured schooners and from reading the logs of the vessels, that not more than one seal in ten killed and mortally wounded is landed on the boats and skinned; thus you will see the wanton destruction of seal life without any benefit whatever. I think 30,000 skins taken this year is a low estimate on this basis; 300,000 fur seals were killed to secure that number, or three times as many as the Alaska Commercial Company are allowed by law to kill. You can readily see that this great slaughter of seals will in a few years make it impossible for 100,000 skins to be taken on the islands by the lessees. I earnestly hope more rigorous measures will be adopted by the Government in dealing with these destructive law-breakers.

Both of Mr. Tingle's statements are made in his official capacity, and in both cases he had no temptation to state anything except what he honestly believed to be the truth.

The President does not conceal his disappointment that even for the sake of securing an impartial arbitration of the question at issue, Her Majesty's Government is not willing to suspend, for a single season, the practice which Lord Salisbury described in 1888 as "the wanton destruction of a valuable industry," and which this Government has uniformly regarded as an unprovoked invasion of its established rights.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *June 6, 1890.*

SIR: I have the honor to acknowledge the receipt of your official note of the 4th instant, commenting upon the reply which I returned to the inquiry contained in your letter of the 2d instant, whether the Marquis of Salisbury would, in order to promote a friendly solution of the fur-seal question, agree to the total exclusion of British sealers from the Behring Sea during the present fishery season. You express the regret of the President that "his considerate and most friendly proposal for the adjustment of all trouble connected with the Behring Sea should be so promptly rejected."

I have this day transmitted a copy of your note to Lord Salisbury, and pending further instructions I will abstain from pursuing the discussion on the various points with which it deals, especially as the views of Her Majesty's Government on the main questions involved are stated with great precision in Lord Salisbury's dispatch of the 22d of May, which I had the honor to read to you yesterday, and of which, in accordance with your desire, I left a copy in your hands. I would only observe that as regards the sufficiency or insufficiency of the radius of 10 miles around the rookeries "within which Her Majesty's Government proposed that sealers should be excluded" no opportunity was afforded me of discussing the question before the proposals of Her Majesty's Government were summarily rejected.

I may mention, also, that I fear there has been some misapprehension as regards a request which you appear to have understood me to make respecting the date of the sailing of United States revenue-cutters for Behring Sea. I have no recollection of having made any suggestion with reference to those revenue-cutters, except that their commanders should receive explicit instructions not to apply the municipal law of the United States to British vessels in Behring Sea outside of territorial waters.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

[Extract from telegram from the Marquis of Salisbury.]

(Received June 9, 1890.)

Lord Salisbury regrets that the President of the United States should think him wanting in conciliation, but his lordship can not refrain from thinking that the President does not appreciate the difficulty arising from the law of England.

It is entirely beyond the power of Her Majesty's Government to exclude British or Canadian ships from any portion of the high seas, even for an hour, without legislative sanction. Her Majesty's Government have always been willing, without pledging themselves to details on the questions of area and date, to carry on negotiations, hoping thereby to come to some arrangement for such a close season as is necessary in order to preserve the seal species from extinction, but the provisions of such an arrangement would always require legislative sanction so that the measures thereby determined may be enforced.

Lord Salisbury does not recognize the expressions attributed to him. He does not think that he can have used them, at all events, in the context mentioned.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 11, 1890.

SIR: I have shown to the President the extract from the telegram of Lord Salisbury of June 9, in which his lordship states that "it is beyond the power of Her Majesty's Government to exclude British or Canadian ships from any portion of the high seas, even for an hour, without legislative sanction."

Not stopping to comment upon the fact that his lordship assumes the waters surrounding the Pribilof Islands to be the "high seas," the President instructs me to say that it would satisfy this Government if Lord Salisbury would by public proclamation simply request that vessels sailing under the British flag should abstain from entering the Behring Sea for the present season. If this request shall be complied with, there will be full time for impartial negotiations, and, as the President hopes, for a friendly conclusion of the differences between the two governments.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *June 11, 1890.*

SIR: I have the honor to acknowledge your note of this day with reference to the passage in a telegram from the Marquis of Salisbury, which I communicated to you at our interview of the 9th instant, to the effect that "it is beyond the power of Her Majesty's Government to exclude British or Canadian ships from any portion of the high seas, even for an hour, without legislative action."

You inform me that without commenting on the fact that his lordship assumes the waters surrounding the Pribilof Islands to be the high seas, the President instructs you to say that it would satisfy your Government if Lord Salisbury would by public proclamation simply request that vessels sailing under the British flag should abstain from entering the Behring Sea for the present season. You add, if this request shall be complied with there will be full time for impartial negotiations, and, as the President hopes, for a friendly conclusion of the differences between the two governments.

I have telegraphed the above communication to Lord Salisbury, and I await his lordship's instructions thereon. In the meanwhile I take this opportunity of informing you that I reported to his lordship, by telegraph, that at the same interview I again pressed you for an assurance that British sealing vessels would not be interfered with in the Behring Sea by the United States revenue cruisers while the negotiations continued, but you replied that you could not give such assurance. I trust this is not a final decision, and that in the course of the next few days, while there is yet time to communicate with the commanders, instructions will be sent to them to abstain from such interference.

It is in that hope that I have delayed delivering the formal protest of Her Majesty's Government announced in my note of the 23d of May.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *June 14, 1890.*

SIR: With reference to the note which I had the honor to address to you on the 11th instant, I desire to express my deep regret at having failed up to the present time to obtain from you the assurance, which I had hoped to receive, that during the continuance of our negotiations for the settlement of the fur-seal fishery question British sealing vessels would not be interfered with by United States revenue cruisers in the Behring Sea outside of territorial waters.

Having learned from statements in the public press and from other sources that the revenue cruisers *Rush* and *Corwin* are now about to be dispatched to the Behring Sea, I can not, consistently with the instructions I have received from my Government, defer any longer the communication of their formal protest announced in my notes of the 23d ultimo and the 11th instant against any such interference with British vessels.

I have accordingly the honor to transmit the same herewith.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

Protest.

(Received June 14, 12:35, 1890.)

The undersigned, Her Britannic Majesty's Envoy-Extraordinary and Minister Plenipotentiary to the United States of America, has the honor, by instruction of his Government, to make to the Hon. James G. Blaine, Secretary of State of the United States, the following communication:

Her Britannic Majesty's Government have learned with great concern from notices which have appeared in the press, and the general accuracy of which has been confirmed by Mr. Blaine's statements to the undersigned, that the Government of the United States have issued instructions to their revenue cruisers about to be dispatched to Behring Sea, under which the vessels of British subjects will again be exposed, in the prosecution of their legitimate industry on the high seas, to unlawful interference at the hands of American officers.

Her Britannic Majesty's Government are anxious to coöperate to the fullest extent of their power with the Government of the United States in such measures as may be found to be expedient for the protection of the seal fisheries. They are at the present moment engaged in examining, in concert with the Government of the United States, the best method of arriving at an agreement upon this point. But they can not admit the right of the United States of their own sole motion to restrict for this purpose the freedom of navigation of Behring Sea, which the United States have themselves in former years convincingly and successfully vindicated, nor to enforce their municipal legislation against British vessels on the high seas beyond the limits of their territorial jurisdiction.

Her Britannic Majesty's Government are therefore unable to pass over without notice the public announcement of an intention on the part of the Government of the United States to renew the acts of interference with British vessels navigating outside the territorial waters of the United States, of which they have previously had to complain.

The undersigned is in consequence instructed formally to protest against such interference, and to declare that Her Britannic Majesty's Government must hold the Government of the United States responsible for the consequences that may ensue from acts which are contrary to the established principles of international law.

The undersigned, etc.,

JULIAN PAUNCEFOTE.

JUNE 14, 1890.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *June 27, 1890.*

SIR: I did not fail to transmit to the Marquis of Salisbury a copy of your note of the 11th instant, in which, with reference to his lordship's statement that British legislation would be necessary to enable Her Majesty's Government to exclude British vessels from any portion of the high seas "even for an hour," you informed me, by desire of the President, that the United States Government would be satisfied "if Lord Salisbury would by public proclamation simply request that vessels sailing under the British flag should abstain from entering the Behring Sea during the present season."

I have now the honor to inform you that I have been instructed by Lord Salisbury to state to you in reply that the President's request presents constitutional difficulties which would preclude Her Majesty's Government from acceding to it, except as part of a general scheme for the settlement of the Behring Sea controversy, and on certain conditions which would justify the assumption by Her Majesty's Government of the grave responsibility involved in the proposal.

Those conditions are:

I. That the two Governments agree forthwith to refer to arbitration the question of the legality of the action of the United States Government in seizing or otherwise interfering with British vessels engaged in the Behring Sea, outside of territorial waters, during the years 1886, 1887, and 1889.

II. That, pending the award, all interference with British sealing vessels shall absolutely cease.

III. That the United States Government, if the award should be adverse to them on the question of legal right, will compensate British subjects for the losses which they may sustain by reason of their compliance with the British proclamation.

Such are the three conditions on which it is indispensable, in the view of Her Majesty's Government, that the issue of the proposed proclamation should be based.

As regards the compensation claimed by Her Majesty's Government for the losses and injuries sustained by British subjects by reason of the action of the United States Government against British sealing vessels in the Behring Sea during the years 1886, 1887, and 1889, I have already informed Lord Salisbury of your assurance that the United States Government would not let that claim stand in the way of an amicable adjustment of the controversy, and I trust that the reply which, by direction of Lord Salisbury, I have now the honor to return to the President's inquiry, may facilitate the attainment of that object for which we have so long and so earnestly labored.

I have, etc.,

JULIAN PAUNCEFOTE.

CORRESPONDENCE RELATIVE TO THE JURISDICTIONAL RIGHTS IN BERING SEA FORMERLY POSSESSED BY RUSSIA AND TRANSFERRED TO THE UNITED STATES BY THE TREATY OF 1867.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 30, 1890.

SIR: On the 5th instant you read to me a dispatch from Lord Salisbury dated May 22, and by his instruction you left with me a copy. His lordship writes in answer to my dispatch of the 22d January last. At that time, writing to yourself touching the current contention between the Governments of the United States and Great Britain as to the jurisdiction of the former over the waters of the Bering Sea, I made the following statement:

> The Government of the United States has no occasion and no desire to withdraw or modify the positions which it has at any time maintained against the claims of the Imperial Government of Russia. The United States will not withhold from any nation the privileges which it demanded for itself when Alaska was part of the Russian Empire. Nor is the Government of the United States disposed to exercise any less power or authority than it was willing to concede to the Imperial Government of Russia when its sovereignty extended over the territory in question. The President is persuaded that all friendly nations will concede to the United States the same rights and privileges on the lands and in the waters of Alaska which the same friendly nations always conceded to the Empire of Russia.

In answer to this declaration Lord Salisbury contends that Mr. John Quincy Adams, when Secretary of State under President Monroe, protested against the jurisdiction which Russia claimed over the waters of Bering Sea. To maintain this position his lordship cites the words of a dispatch of Mr. Adams, written on July 23, 1823, to Mr. Henry Middleton, at that time our minister at St. Petersburg. The alleged declarations and admissions of Mr. Adams in that dispatch have been the basis of all the arguments which Her Majesty's Government has submitted against the ownership of certain properties in the Behring Sea which the Government of the United States confidently assumes. I quote the portion of Lord Salisbury's argument which includes the quotation from Mr. Adams:

> After Russia, at the instance of the Russian American Fur Company, claimed in 1821 the pursuits of commerce, whaling, and fishing from Behring Strait to the fifty-first degree of north latitude, and not only prohibited all foreign vessels from landing on the coasts and islands of the above waters, but also prevented them from approaching within 100 miles thereof, Mr. Quincy Adams wrote as follows to the United States Minister in Russia:
>
> "The United States can admit no part of these claims; the right of navigation and fishing is perfect, and has been in constant exercise from the earliest times throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions."

The quotation which Lord Salisbury makes is unfortunately a most defective, erroneous, and misleading one. The conclusion is separated from the premise, a comma is turned into a period, an important qualification as to time is entirely erased without even a suggestion that it had ever formed part of the text, and out of eighty-four words, logically and inseparably connected, thirty-five are dropped from Mr. Adams's paragraph in Lord Salisbury's quotation. No edition of Mr. Adams's work gives authority for his lordship's quotation; while the achives of this Department plainly disclose its many errors. I requote Lord

Salisbury's version of what Mr. Adams said, and in juxtaposition produce Mr. Adams's full text as he wrote it:

[Lord Salisbury's quotation from Mr. Adams.]

The United States can admit no part of these claims; their right of navigation and fishing is perfect, and has been in constant exercise from the earliest times throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions.

[Full text of Mr. Adams's paragraph.]

The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, *after the peace of 1783*, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, *which so far as Russian rights are concerned, are confined to certain islands north of the fifty-fifth degree of latitude, and have no existence on the continent of America.*

The words in italics are those which are left out of Mr. Adams's paragraph in the dispatch of Lord Salisbury. They are precisely the words upon which the Government of the United States founds its argument in this case. Conclusions or inferences resting upon the paragraph, with the material parts of Mr. Adams's text omitted, are of course valueless.

The first object is to ascertain the true meaning of Mr. Adams's words which were omitted by Lord Salisbury. "Russian rights," said Mr. Adams, "are confined to certain islands north of the fifty-fifth degree of latitude." The islands referred to are as easily recognized today as when Mr. Adams described their situation sixty-seven years ago. The best known among them, both under Russian and American jurisdiction, are Sitka and Kadiak; but their whole number is great. If Mr. Adams literally intended to confine Russian rights to those islands, all the discoveries of Vitus Behring and other great navigators are brushed away by one sweep of his pen, and a large chapter of history is but a fable.

But Mr. Adams goes still farther. He declares that "Russian rights have no existence on the continent of America." If we take the words of Mr. Adams with their literal meaning, there was no such thing as "Russian Possessions in America," although forty-four years after Mr. Adams wrote these words the United States paid Russia $7,200,000 for these "possessions" and all the rights of land and sea connected therewith.

This construction of Mr. Adams's language can not be the true one. It would be absurd on its face. The title to that far northern territory was secure to Russia as early as 1741; secure to her against the claims of all other nations; secure to her thirty-seven years before Captain Cook had sailed into the North Pacific; secure to her more than half a century before the United States had made good her title to Oregon. Russia was in point of time the first power in this region by right of discovery. Without immoderate presumption she might have challenged the rights of others to assumed territorial possessions; but no nation had shadow of cause or right to challenge her title to the vast region of land and water which, before Mr. Adams was Secretary of State, had become known as the "Russian Possessions."

Mr. Adams's meaning was not, therefore, and indeed could not be, what Lord Salisbury assumed. As against such interpretation I shall endeavor to call his lordship's attention to what this Government holds to be the indisputable meaning of Mr. Adams's entire paragraph.

To that end a brief review of certain public transactions and a brief record of certain facts will be necessary.

At the close of the year 1799 the Emperor Paul, by ukase, asserted the exclusive authority of Russia over the territory from the Behring Strait down to the fifty-fifth degree of north latitude on the American coast, following westward "by the Aleutian, Kurile, and other islands" practically inclosing the Behring Sea. To the Russian American Company which was organized under this ukase, the Emperor gave the right "to make new discoveries" in that almost unknown region, and "to occupy the new land discovered" as "Russian possessions." The Emperor was assassinated before any new discoveries were announced, but his successor, the Emperor Alexander I, inherited the ambition and the purpose of his father, and, in a new ukase of September 4, 1821, asserted the exclusive authority of Russia from Behring Strait southward to the fifty-first degree of north latitude on the American coast, proclaiming his authority, at the same time, on the Asiatic coast as far south as the forty-fifth degree, and forbidding any vessel to approach within 100 miles of land on either continent. I quote the two sections of the ukase that contain the order and the punishment:

SECTION 1. The transaction of commerce, and the pursuit of whaling and fishing, or any other industry on the islands, in the harbors and inlets, and, in general, all along the northwestern coast of America from Behring Strait to the fifty-first parallel of northern latitude, and likewise on the Aleutian Islands and along the eastern coast of Siberia, and on the Kurile Islands; that is, from Behring Strait to the southern promontory of the island of Urup, viz, as far south as latitude forty-five degrees and fifty minutes north, are exclusively reserved to subjects of the Russian Empire.

SEC. 2. Accordingly, no foreign vessel shall be allowed either to put to shore at any of the coasts and islands under Russian dominion as specified in the preceding section, or even to approach the same to within a distance of less than 100 Italian miles. Any vessel contravening this provision shall be subject to confiscation with her whole cargo.

Against *this larger claim of authority* (viz, extending farther south on the American coast to the fifty-first degree of north latitude), Mr. Adams vigorously protested. In a dispatch of March 30, 1822, to Mr. Poletica, the Russian minister at Washington, Mr. Adams said:

This ukase now for the first time extends the claim of Russia on the northwest coast of America to the 51st degree of north latitude.

And he pointed out to the Russian minister that the only foundation for the new pretension of Russia was the existence of a small settlement, situated, not on the American continent, but on a small island in latitude 57°—Novo Archangelsk, now known as Sitka.

Mr. Adams protested, not against the ukase of Paul, but against the ukase of Alexander; not wholly against the ukase of Alexander, but only against his extended claim of sovereignty southward on the continent to the fifty-first degree north latitude. In short, Mr. Adams protested, not against the old possessions, but against the new pretensions of Russia on the northwest coast of America—pretensions to territory claimed by the United States and frequented by her mariners since the peace of 1783—a specification of time which is dropped from Lord Salisbury's quotation of Mr. Adams, but which Mr. Adams pointedly used to fix the date when the power of the United States was visibly exercised on the coast of the Pacific Ocean.

The names and phrases at that time in use to describe the geography included within the area of this dispute are confusing and at certain points apparently contradictory and irreconcilable. Mr. Adams's denial to Russia of the ownership of territory on "the continent of America" is a fair illustration of this singular contradiction of names and places.

In the same way the phrase "Northwest Coast" will be found, beyond all possible doubt, to have been used in two senses, one including the northwest coast of the Russian possessions, and one to describe the coast whose northern limit is the sixtieth parallel of north latitude.

It is very plain that Mr. Adams's phrase "the continent of America," in his reference to Russia's possessions, was used in a *territorial* sense, and not in a *geographical* sense. He was drawing the distinction between the territory of "America" and the territory of the "Russian possessions." Mr. Adams did not intend to assert that these territorial rights of Russia had no existence on the continent of North America. He meant that they did not exist as the ukase of the Emperor Alexander had attempted to establish them—southward of the Aleutian peninsula and on that distinctive part of the continent claimed as the territory of the United States. "America" and the "United States" were then, as they are now, commonly used as synonymous.

British statesmen at the time used the phrase precisely as Mr. Adams did. The possessions of the Crown were generically termed British *America*. Great Britain and the United States harmonized at this point and on this territorial issue against Russia. Whatever disputes might be left by these negotiations for subsequent settlement between the two powers there can be no doubt that at that time they had a common and very strong interest against the territorial aggrandizement of Russia. The British use of the phrase is clearly seen in the treaty between Great Britain and Russia, negotiated in 1825, and referred to at length in a subsequent portion of this dispatch. A publicist as eminent as Stratford Canning opened the third article of that treaty in these descriptive words:

> The line of demarcation between the possessions of the high contracting parties, upon the coast of the continent, and the islands of America to the northwest. * * *

Mr. Canning evidently distinguished "the islands of America" from the "islands of the Russian possessions," which were far more numerous; and by the use of the phrase "*to the northwest*" just as evidently limited the coast of *the continent* as Mr. Adams limited it, in that direction, by the Alaskan peninsula. A concurrence of opinion between John Quincy Adams and Stratford Canning, touching any public question, left little room even for suggestion by a third person.

It will be observed as having weighty significance that the Russian ownership of the Aleutian and Kurile Islands (which border and close in the Behring Sea, and by the dip of the peninsula are several degrees south of latitude 55) was not disputed by Mr. Adams, and could not possibly have been referred to by him when he was limiting the island possessions of Russia. This is but another evidence that Mr. Adams was making no question as to Russia's ownership of all territory bordering on the Behring Sea. The contest pertained wholly to the territory on the Northwest Coast. The Emperor Paul's ukase, declaring his sovereignty over the Aleutian and Kurile Islands, was never questioned or denied by any power at any time.

Many of the acts of Mr. Adams's public life received interesting commentary and, where there was doubt, luminous interpretation in his personal diary, which was carefully kept from June 3, 1794, to January 1, 1848, inclusive. The present case affords a happy illustration of the corroborative strength of the diary. During the progress of this correspondence Baron Tuyll, who had succeeded Mr. Poletica as Russian Minister in Washington, called upon Mr. Adams at his office on July 17, 1823, six days before the date of the dispatch upon which I have been

commenting, and upon which Lord Salisbury relies for sustaining his contention in regard to the Behring Sea. During an animated conversation of an hour or more between Mr. Adams and Baron Tuyll, the former said:

> I told Baron Tuyll specially that we should contest the right of Russia to any territorial establishment on this continent. * * *

It will be observed that Mr. Adams uses the same phrase in his conversation that has misled English statesmen as to the true scope and meaning of his dispatch of July 23, 1823. When he declared that we should "contest the right of Russia to any territorial establishment on this continent" (with the word "any" italicized), he no more meant that we should attempt to drive Russia from her ancient possessions than that we should attempt to drive England from the ownership of Canada or Nova Scotia. Such talk would have been absurd gasconade and Mr. Adams was the last man to indulge in it. His true meaning, it will be seen, comes out in the next sentence, when he declares:

> I told Baron Tuyll that we should assume distinctly the principle that the American continents are no longer subjects for any *new* European colonial establishments.

In the message of President Monroe to the next Congress (the Eighteenth) at its first session, December 2, 1823, he announced that at the proposal of the Russian Government the United States had agreed to "arrange by amicable negotiations the respective rights and interests of the two nations on the Northwest Coast of this continent." A similar proposal had been made by Russia to Great Britain and had been likewise agreed to. The negotiations in both cases were to be at St. Petersburg.

It was in connection with this subject, and in the same paragraph, that President Monroe spoke thus:

> In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that *the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colinization by any European power.*

This very brief declaration (in fact merely the three lines italicized constitute the famous "Monroe doctrine." Mr. Adams's words of the July preceding clearly foreshadowed this position as the permanent policy of the United States. The declaration removes the last doubt, if room for doubt had been left, that the reference made by Mr. Adams was to the future, and had no possible connection with the Russian rights existing for three-quarters of a century before the dispatch of 1823 was written.

It was evident from the first that the determined attitude of the United States, subsequently supported by Great Britain, would prevent the extension of Russian territory southward to the fifty-first parallel. The treaties which were the result of the meeting at St. Petersburg, already noted, marked the surrender on the part of Russia of this pretension and the conclusion was a joint agreement that 54 degrees and 40 minutes should be taken as the extreme southern boundary of Russia on the Northwest Coast, instead of the fifty-fifth degree, which was proclaimed by the Emperor Paul in the ukase of 1799.

The treaty between Russia and the United States was concluded on the 17th of April, 1824, and that between Russia and Great Britain, ten months later, on the 16th of February, 1825. In both treaties Russia acknowledges 54 40 as the dividing line. It was not determined which of the two nations owned the territory from 54 40 down to the forty-ninth

parallel, and it remained in dispute between Great Britain and the United States until its final adjustment by the "Oregon treaty," negotiated by Mr. Buchanan and Mr. Pakenham under the administration of Mr. Polk in 1846.

The Government of the United States has steadily maintained that in neither of these treaties with Russia was there any attempt at regulating or controlling, or even asserting an interest in, the Russian possessions and the Behring Sea, which lie far to the north and west of the territory which formed the basis of the contention. This conclusion is indisputably proved by the protocols which were signed during the progress of the negotiation. At the fourth conference of the plenipotentiaries, on the 8th day of March (1824), the American Minister, Mr. Henry Middleton, submitted to the Russian representative, Count Nesselrode, the following:

> The dominion can not be acquired but by a real occupation and possession, and an intention (animus) to establish it is by no means sufficient.
>
> Now, it is clear, according to the facts established, that neither Russia nor any other European power has the right of dominion upon the continent of America between the fiftieth and sixtieth degrees of north latitude.
>
> Still less has she the dominion of the adjacent maritime territory, or of the sea which washes these coasts, a dominion which is only accessory to the the territorial dominion.
>
> Therefore she has not the right of exclusion or of admission on these coasts, nor in these seas which are free seas.
>
> The right of navigating all the free seas belongs, by natural law, to every independent nation, and even constitutes an essential part of this independence.
>
> The United States have exercised navigation in the seas and commerce upon the coasts above mentioned, from the time of their independence; and they have a perfect right to this navigation and to this commerce, and they can only be deprived of it by their own act or by a convention.

This is a clear proof of what is demonstrated in other ways, that the whole dispute between the United States and Russia and between Great Britain and Russia related to the Northwest Coast, as Mr. Middleton expresses it, between the "fiftieth and the sixtieth degrees of north latitude." This statement is in perfect harmony with Mr. Adams's paragraph when given in full. "The United States," Mr. Middleton insists, "have exercised navigation in the seas and commerce upon the coasts above mentioned, from the time of their independence;" but he does not say one word in regard to our possessing any rights of navigation or commerce in the Behring Sea. He declares that "Russia has not the right of exclusion or admission on these coasts [between the fiftieth and sixtieth degrees north latitude] nor in these seas which are *free* seas," evidently emphasizing "free" to distinguish those seas from the Behring Sea, which was recognized as being under Russian restrictions.

Mr. Middleton wisely and conclusively maintained that if Russia had no claim to the continent between the fiftieth and the sixtieth degrees north latitude, "still less could she have the dominion of the adjacent maritime territory," or, to make it more specific, "of the sea which washes these coasts." That sea was the Great Ocean, or the Pacific Ocean, or the South Sea, the three names being equally used for the same thing.

The language of Mr. Middleton plainly shows that the lines of latitude were used simply to indicate the "dominion" on the coast between the fiftieth and sixtieth parallels of north latitude.

The important declarations of Mr. Middleton, which interpret and enforce the contention of the United States, should be regarded as indisputable authority, from the fact that they are but a paraphrase of the instructions which Mr. Adams delivered to him for his guidance in

negotiating the treaty with Count Nesselrode. Beyond all doubt they prove that Mr. Adams's meaning was the reverse of what Lord Salisbury infers it to be in the paragraph of which he quoted only a part.

The four principal articles of the treaty negotiated by Mr. Middleton are as follows:

ART. I. It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles:

Art. II. With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast.

ART. III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the Northwest Coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ART. IV. It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

The first article, by carefully mentioning the *Great Ocean* and describing it as the ocean "commonly called the Pacific Ocean or South Sea," evidently meant to distinguish it from some other body of water with which the negotiators did not wish to confuse it. Mr. Adams used the term "South Sea" in the dispatch quoted by Lord Salisbury, and used it with the same discriminating knowledge that prevades his whole argument on this question. If no other body of water existed within the possible scope of the treaty, such particularity of description would have had no logical meaning. But there was another body of water already known as the Behring Sea. That name was first given to it in 1817—according to English authority—seven years before the American treaty, and eight years before the British treaty, with Russia; but it had been known as a sea, separate from the ocean, under the names of the Sea of Kamchatka, the Sea of Otters, or the Aleutian Sea, at different periods before the Emperor Paul issued his ukase of 1799.

The second article plainly shows that the treaty is limited to the Great Ocean, as separate from the Behring Sea, because the limitation of the "Northwest Coast" between the fiftieth and sixtieth degrees could apply to no other. That coast, as defined both by American and British negotiators at that time, did not border on the Behring Sea.

The third article shows the compromise as to territorial sovereignty on the Northwest Coast. The United States and Great Britain had both claimed that Russia's just boundary on the coast terminated at the sixtieth degree north latitude, the southern border of the Aleutian peninsula. Russia claimed to the fifty-first parallel. They made a compromise by a nearly equal division. An exactly equal division would have given Russia 54 30; but 10 miles farther north Prince of Wales Island presented a better geographical point for division, and Russia accepted a little less than half the coast of which she had claimed all and 54 40 was thus established as the dividing point.

The fourth article of the treaty necessarily grew out of the claims of Russia to a share of the Northwest Coast in dispute between the United States and Great Britain. Mr. Adams, in the instruction to Mr. Middleton so often referred to, says:

By the third article of the convention between the United States and Great Britain, of the 20th of October, 1818, it was agreed that any country that might be claimed by either party on the Northwest Coast of America, westward of the Stony Mountains, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from that date, to the vessels, citizens, and subjects of the two powers, without prejudice to the claims of either party or of any other state.

You are authorized to propose an article of the same import for a term of ten years from the signature of a joint convention between the United States, Great Britain, and Russia.

It will be observed that the fourth article relates solely to the "Northwest Coast of America" so well understood as the Coast of the Pacific Ocean, between the fiftieth and the sixtieth degrees north latitude, and therefore does not in the remotest degree touch the Behring Sea or the land bordering upon it.

The several articles in the treaty between Great Britain and Russia, February 16, 1825, that could have any bearing on the pending contention are as follows:

Articles I and II. (Substantially the same as in the treaty between Russia and the United States.)

ARTICLE III. The line of demarcation between the possessions of the high contracting parties, upon the coast of the continent, and the islands of America to the northwest shall be drawn in the manner following:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the one hundred and thirty-first and the one hundred and thirty-third degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called *Portland Channel*, as far as the point of the continent where it strikes the fifty-sixth degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian); and, finally, from the said point of intersection the said meridian line of the one hundred and forty-first degree in its prolongation as far as the Frozen Ocean shall form the limit between the Russian and British possessions on the continent of America to the northwest.

Article V. (Substantially the same as Article III of the treaty between Russia and the United States.)

ARTICLE VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean or from the interior of the continent, shall forever enjoy the right of navigating freely and without any hindrance whatever all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in Article III of the present convention.

ARTICLE VII. It is also understood that, for the space of ten years from the signature of the present convention, the vessels of the two powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent without any hindrance whatever all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article III, for the purposes of fishing and of trading with the natives.

After the analysis of the articles in the American treaty there is little in the English treaty that requires explanation. The two treaties were drafted under circumstances and fitted to conditions quite similar. There were some differences because of Great Britain's ownership of British America. But these very differences corroborate the position of the United States. This is most plainly seen in Article VI. By that article the subjects of Her Britannic Majesty were guaranteed the right of navigating freely the rivers emptying into the Pacific Ocean and crossing the *line of demarcation upon the line of coast described in*

Article III. The line of demarcation is described in Article III as following "the summit of the mountains situated parallel to the coast *as far as the point of intersection of the one hundred and forty-first degree of west longitude.*" Article IV, qualifying Article III, specifies that "wherever the summit of the mountains which extend in a direction parallel to the coast, from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall prove to be at a distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and shall never exceed the distance of ten marine leagues therefrom."

By both these articles the line of demarcation ceases to have any parallel relation to the coast when it reaches the point of intersection of the one hundred and forty-first degree of west longitude.

From that point the one hundred and forty-first degree of west longitude, as far as it extends continuously on land northward, is taken as the boundary between the territories of the two powers. It is thus evident that British subjects were guaranteed the right of navigating only such rivers as crossed the line of demarcation *while it followed the line of coast.* They were limited, therefore, to the rivers that emptied into the Pacific Ocean between 54 40 and 60 degrees north latitude, the latter being the point on the coast opposite the point where the line of demarcation diverges—Mount St. Elias.

By this agreement Great Britain was excluded from all rivers emptying into the Behring Sea, including the great Yukon and its affluent, the Porcupine, which rise and for a long distance flow in British America. So complete was the exclusion from Behring Sea that Great Britian surrendered in this case a doctrine which she had aided in impressing upon the Congress of Vienna for European rivers. She did not demand access to the sea from a river whose source was in her territory. She consented, by signing the treaty of 1825, to such total exclusion from the Bering Sea as to forego following her own river to its mouth in that sea.

It shows a curious association of political events that in the Washington treaty of 1871 the United States conceded to Great Britain the privilege of navigating the Yukon and its branch, the Porcupine, to the Behring Sea in exchange for certain privileges conceded to the United States on the St. Lawrence. The request of Great Britain for the privilege of navigating the Yukon and Porcupine is a suggestive confession that it was withheld from her by Russia in the treaty of 1825—withheld because the rivers flowed to the Behring Sea.

The seventh article is practically a repetition of the fourth article in the treaty between Russia and the United States, and the privilege of fishing and trading with the natives is limited to the coast, mentioned in Article III, identically the same line of coast which they were at liberty to pass through to reach British America or to reach the coast from British America. They are excluded from going north of the prescribed point on the coast near Mount St. Elias, and are therefore kept out of Bering Sea.

It is to be noted that the negotiators of this treaty, in defining the boundary between the Russian and British possessions, cease to observe particularity exactly at the point on the coast where it is intersected by the sixtieth parallel. From that point the boundary is designated by the almost indefinite prolongation northward of the one hundred and forty-first degree of longitude west. It is plain, therefore,

that this treaty, like the Russo-American treaty, limited the "Northwest Coast" to that part of the coast between the fiftieth and sixtieth parallels of north latitude—as fully set forth by Mr. Middleton in the protocols preceding the treaty between the United States and Russia. The negotiators never touched one foot of the boundary of the Behring Sea, whether on continent or island, and never even made a reference to it. Its nearest point, in Bristol Bay, was a thousand miles distant from the field of negotiation between the powers.

It must not be forgotten that this entire negotiation of the three powers proceeded with full knowledge and recognition of the ukase of 1821. While all questions touching the respective rights of the powers on the Northwest Coast between the fiftieth and sixtieth parallels were discussed and pressed by one side or the other, and finally agreed upon, the terms of the ukase of 1821, in which the Emperor set forth so clearly the rights claimed and exercised by Russia in the Behring Sea, were untouched and unquestioned. These rights were therefore admitted by all the powers negotiating as within the exercise of Russia's lawful authority then, and they were left inviolate by England during all the subsequent continuance of Russia's dominion over Alaska.

These treaties were therefore a practical renunciation, both on the part of England and the United States, of any rights in the waters of Behring Sea during the period of Russia's sovereignty. They left the Behring Sea and all its coasts and islands precisely as the ukase of Alexander in 1821 left them—that is, with a prohibition against any vessel approaching nearer to the coast than 100 Italian miles, under danger of confiscation. The original ukase of Alexander (1821) claimed as far south as the fifty-first degree of north latitude, with the inhibition of 100 miles from the coast applying to the whole.

The result of the protest of Mr. Adams, followed by the coöperation of Great Britain, was to force Russia back to 54 40 as her southern boundary. But there was no renunciation whatever on the part of Russia as to the Behring Sea, to which the ukase especially and primarily applied. As a piece of legislation this ukase was as authoritative in the dominions of Russia as an act of Parliament is in the dominions of Great Britain or an act of Congress in the territory of the United States. Except as voluntarily modified by Russia in the treaty with the United States, April 17, 1824, and in the treaty with Great Britain, February 16, 1825, the ukase of 1821 stood as the law controlling the Russian possessions in America until the close of Russia's ownership by transfer to this Government. Both the United States and Great Britain recognized it, respected it, obeyed it. It did not, as so many suppose, declare the Behring Sea to be *mare clausum*. It did declare that the waters, to the extent of 100 miles from the shores, were reserved for the subjects of the Russian Empire. Of course many hundred miles, east and west and north and south, were thus intentionally left by Russia for the whale fishery and for fishing open and free to the world, of which other nations took large advantage. Perhaps in pursuing this advantage foreigners did not always keep 100 miles from the shore, but the theory of right on which they conducted their business unmolested was that they observed the conditions of the ukase.

But the 100-mile restriction performed the function for which it was specially designed in preventing foreign nations from molesting, disturbing, or by any possibility sharing in the fur trade. The fur trade formed the principal, almost the sole employment of the Russian American Company. It formed its employment, indeed, to such a degree that it soon became known only as the Russian American *Fur* Company, and

quite suggestively that name is given to the Company by Lord Salisbury in the dispatch to which I am replying. While, therefore, there may have been a large amount of lawful whaling and fishing in the Behring Sea, the taking of furs by foreigners was always and under all circumstances illicit.

Eighteen years after the treaty of 1825 (in 1843) Great Britain made a commercial treaty with Russia, based on the principle of reciprocity of advantages, but the rights of the Russian American Company, which under both ukases included the sovereignty over the sea to the extent of 100 miles from the shores, were reserved by special clause, in a separate and special article, signed after the principal articles of the treaty had been concluded and signed. Although British rights were enlarged with nearly all other parts of the Russian Empire, her relations with the Russian possessions and with the Behring Sea remained at precisely the same point where the treaty of 1825 had placed them.

Again in 1859 Great Britain still further enlarged her commercial relations with the Empire of Russia, and again the "possessions" and the Behring Sea were held firmly in their relations to the Russian American Company as they had been held in the treaty of 1843.

It is especially notable that both in the treaty of 1843 and the treaty of 1859 it is declared that "in regard to commerce and navigation in the Russian possessions on the Northwest Coast of America the convention concluded at St. Petersburg, February 16, 1825, shall continue in force." The same distinction and the same restrictions which Mr. Adams made in regard to the Northwest Coast of America were still observed, and Great Britain's access from or to the interior of the continent was still limited to that part of the coast between 54 40 and a point near Mount Saint Elias. The language of the three Russo British treaties of 1825, 1843, and 1859 correspond with that employed in Mr. Adams's dispatch to Mr. Middleton, to which reference has so frequently been made. This shows that the true meaning of Mr. Adams's paragraph is the key, and indeed the only key by which the treaties can be correctly interpreted and by which expressions apparently contradictory or unintelligible can be readily harmonized.

Immediately following the partial quotation of Mr. Adams's dispatch, Lord Salisbury quotes the case of the United States brig *Loriot* as having some bearing on the question relating to the Behring Sea. The case happened on the 15th of September, 1836, and Mr. Forsyth, Secretary of State, in a dispatch to the United States minister at St. Petersburg, declared the course of the Russians in arresting the vessel to be a violation of the rights of the citizens of the United States. He claimed that the citizens of the United States had the right immemorially as well as by the stipulations of the treaty of 1824 to fish in those waters.

Lord Salisbury's understanding of the case differs entirely from that held by the Government of the United States. The *Loriot* was not arrested in Behring Sea at all, nor was she engaged in taking furs. She was arrested, as Mr. Forsyth in his dispatch says, in latitude 54 55, more than 60 miles south of Sitka, on the "Northwest Coast," to which, and to which only, the treaty of 1824 referred. Russia upheld its action on the ground that the ten-year term provided in the fourth article of the treaty had closed two years before. The case was made the basis of an application on the part of the United States Government for a renewal of that article. This application was pressed for several years, but finally and absolutely refused by the Russian Government.

Under the claim of Russia that the term of ten years had expired, the United States failed to secure any redress in the *Loriot* case. With all due respect to Lord Salisbury's judgment, the case of the *Loriot* sustains the entire correctness of the position of the United States in this contention.

It only remains to say that whatever duty Great Britain owed to Alaska as a Russian province, whatever she agreed to do or to refrain from doing, touching Alaska and the Behring Sea, was not changed by the mere fact of the transfer of sovereignty to the United States. It was explicitly declared, in the sixth article of the treaty by which the territory was ceded by Russia, that "the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominions and appurtenances thereto." Neither by the treaty with Russia of 1825, nor by its renewal in 1843, nor by its second renewal in 1859, did Great Britain gain any right to take seals in Behring Sea. In fact, those treaties were a prohibition upon her which she steadily respected so long as Alaska was a Russian province. It is for Great Britain now to show by what law she gained rights in that sea after the transfer of its sovereignty to the United States.

During all the time elapsing between the treaty of 1825 and the cession of Alaska to the United States in 1867, Great Britain never affirmed the right of her subjects to capture fur-seal in the Behring Sea; and, as a matter of fact, her subjects did not, during that long period, attempt to catch seals in the Behring Sea. Lord Salisbury, in replying to my assertion that these lawless intrusions upon the fur-seal fisheries began in 1886, declares that they had occurred before. He points out one attempt in 1870, in which forty-seven skins were found on board an intruding vessel; in 1872 there was a rumor that expeditions were about to fit out in Australia and Victoria for the purpose of taking seals in the Behring Sea; in 1874 some reports were heard that vessels had entered the sea for that purpose; one case was reported in 1875; two cases in 1884; two also in 1885.

These cases, I may say without intending disrespect to his lordship, prove the truth of the statement which he endeavors to controvert, because they form just a sufficient number of exceptions to establish the fact that the destructive intrusion began in 1886. But I refer to them now for the purpose of showing that his lordship does not attempt to cite the intrusion of a single British sealer into the Behring Sea until after Alaska had been transferred to the United States. I am justified, therefore, in repeating the questions which I addressed to Her Majesty's Government on the 22d of last January, and which still remain unanswered, viz:

Whence did the ships of Canada derive the right to do, in 1886, that which they had refrained from doing for nearly ninety years?

Upon what grounds did Her Majesty's Government defend, in the year 1886, a course of conduct in the Behring Sea which had been carefully avoided ever since the discovery of that sea?

By what reasoning did Her Majesty's Government conclude that an act may be committed with impunity against the rights of the United States which had never been attempted against the same rights when held by the Russian Empire?

I have, etc.,

JAMES G. BLAINE.

CORRESPONDENCE RELATIVE TO GREAT BRITAIN'S WILLINGNESS TO ENTER INTO A CONVENTION FOR THE PROTECTION OF FUR-SEALS.[1]

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *June 30, 1890.*

SIR: In your note of the 29th of May last, which I duly transmitted to the Marquis of Salisbury, there are several references to communications which passed between the two Governments in the time of your predecessor.

I have now received a dispatch from Lord Salisbury, copy of which I have the honor to inclose, pointing out that there is some error in the impressions which you have gathered from the records in the State Department with respect to those communications.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

The Marquis of Salisbury to Sir Julian Pauncefote.

No. 126.] FOREIGN OFFICE, *June 20, 1890.*

SIR: I have to acknowledge your dispatch No. 83 of the 30th ultimo, inclosing copy of a note from Mr. Blaine dated the 29th ultimo.

It contains several references to communications which passed between the two Governments in the time of Mr. Blaine's predecessor, especially in the spring of 1888. Without referring at present to other portions of Mr. Blaine's note I wish only now to point out some error in the impressions which he has gathered from the records in his office with respect to those communications. He states that on the 23d April of that year I informed the American chargé d'affaires, Mr. White, that it was proposed to give effect to a seal convention by order in council, not by act of Parliament. This was a mistake. It was very natural that Mr. White should not have apprehended me correctly when I was describing the somewhat complicated arrangements by which agreements of this kind are brought into force in England. But two or three days after the 23d April he called to make inquiry on the subject, and in reply to his question the following letter was addressed to him by my instructions:

FOREIGN OFFICE, *April 27, 1888.*

MY DEAR WHITE: Lord Salisbury desires me to express his regret that he is not yet in a position to make any further communication to you on the subject of the seal fisheries in Behring Sea. After his interview with you and M. de Staal he had to refer to the Canadian Government, the board of trade, and the Admiralty, but has as yet only obtained the opinion of the Admiralty. The next step is to bring a bill into Parliament.

Yours, etc.,

ERIC BARRINGTON.

On the 28th Mr. White replied:

LEGATION OF THE UNITED STATES, *London, April 28, 1888.*

MY DEAR BARRINGTON: Thanks for your note, respecting the final sentence of which, "The next step is to bring a bill into Parliament," I must trouble you with a line.

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[1] For the earlier correspondence on this subject see *ante*, pp. 171–183 and 212–217.

I understood Lord Salisbury to say when I saw him with M. de Staal, and again last week alone, that it is now proposed to give effect to the conventional arrangement for the protection of seals by an order in council, not by act of Parliament.

When Mr. Phelps left the latter was thought necessary, and last week I received a telegram from the Secretary of State asking me to obtain confidentially a copy of the proposed act of Parliament, with a view to assimilating our contemplated act of Congress thereto. I replied, after seeing Lord Salisbury last Saturday, that there would be no bill introduced in Parliament, but an order in council.

May I ask now if this be incorrect, as, in that event, I should particularly like to correct my former statement by this day's mail.

To this the following reply was on the same date addressed to Mr. White:

FOREIGN OFFICE, *April 28, 1888.*

MY DEAR WHITE: Lord Salisbury is afraid that he did not make himself understood when last he spoke to you about the Seal Fisheries Convention.

An act of Parliament is necessary to give power to our authorities to act on the provisions of the convention when it is signed. The order in council will be merely the machinery which the act will provide for the purpose of bringing its provisions into force. The object of this machinery is to enable the Government to wait till the other two powers are ready. But neither convention nor bill is drafted yet, because we have not got the opinions from Canada, which are necessary to enable us to proceed.

Yours, etc.,

ERIC BARRINGTON.

It is evident from this correspondence that if the United States Government was misled upon the 23d April into the belief that Her Majesty's Government could proceed in the matter without an act of Parliament, or could proceed without previous reference to Canada, it was a mistake which must have been entirely dissipated by the correspondence which followed in the ensuing week.

Mr. Blaine is also under a misconception in imagining that I ever gave any verbal assurance, or any promise of any kind, with respect to the terms of the projected convention. Her Majesty's Government always have been, and are still, anxious for the arrangement of a convention which shall provide whatever close time in whatever localities is necessary for the preservation of the fur-seal species. But I have represented that the details must be the subject of discussion, a discussion to which those who are locally interested must of necessity contribute. I find the record of the following conversation about the date to which Mr. Blaine refers:

The Marquis of Salisbury to Sir L. West.

FOREIGN OFFICE, *March 17, 1888.*

SIR: Since forwarding to you my dispatch No. 23 of the 22d ultimo, I have been in communication with the Russian ambassador at this court, and have invited his excellency to ascertain whether his Government would authorize him to discuss with Mr. Phelps and myself the suggestion made by Mr. Bayard in his dispatch of the 7th February, that concerted action should be taken by the United States, Great Britain, and other interested powers, in order to preserve from extermination the fur-seals which at certain seasons are found in Behring Sea.

Copies of the correspondence on this question which has passed between M. de Staal and myself is inclosed herewith.

I request that you will inform Mr. Bayard of the steps which have been taken, with a view to the initiation of negotiations for an agreement between the three powers principally concerned in the maintenance of the seal fisheries. But in doing so you should state that this action on the part of Her Majesty's Government must not be taken as an admission of the rights of jurisdiction in Behring Sea exercised there by the United States authorities during the fishing seasons of 1886-'87 and 1887-'88, nor as affecting the claims which Her Majesty's Government will have to present on account of wrongful seizures which have taken place of British vessels engaged in the seal-fishing industry.

I am, etc.,

SALISBURY.

In pursuance of this dispatch, the suggestion made by Mr. Bayard, to which I referred, was discussed and negotiations were initiated for an agreement between the three powers. The following dispatch contains the record of what I believe was the first meeting between the three powers on the subject:

The Marquis of Salisbury to Sir L. West.

FOREIGN OFFICE, *April 16, 1888.*

SIR: The Russian Ambassador and the United States charge d'affaires called upon me this afternoon to discuss the question of the seal fisheries in Behring Sea, which had been brought into prominence by the recent action of the United States.

The United States Government had expressed a desire that some agreement should be arrived at between the three Governments for the purpose of prohibiting the slaughter of the seals during the time of breeding; and, at my request, M. de Staal had obtained instructions from his Government on that question.

At this preliminary discussion it was decided *provisionally, in order to furnish a basis for negotiation, and without definitively pledging our Governments,* that the space to be covered by the proposed convention should be the sea between America and Russia north of the forty-seventh degree of latitude; that the close time should extend from the 15th April to the 1st November; that during that time the slaughter of all seals should be forbidden, and vessels engaged in it should be liable to seizure by the cruisers of any of the three powers and should be taken to the port of their own nationality for condemnation; that the traffic in arms, alcohol, and powder should be prohibited in all the islands of those seas; and that, as soon as the three powers had concluded a convention, they should join in submitting it for the assent of the other maritime powers of the northern seas.

The United States charge d'affaires was exceedingly earnest in pressing on us the importance of dispatch, on account of the inconceivable slaughter that had been and was still going on in these seas. He stated that, in addition to the vast quantity brought to market, it was a common practice for those engaged in the trade to shoot all seals they might meet in the open sea, and that of these a great number sank, so that their skins could not be recovered.

I am, etc.,

SALISBURY.

It was impossible to state more distinctly that any proposal made was provisional, and was merely made for the purpose of enabling the requisite negotiations to proceed. The subsequent discussion of these proposals was undoubtedly delayed in consequence of the length of time occupied by the Canadian Government in collecting from considerable distances the information which they required before their opinion on the subject could be thoroughly formed, and after that it was delayed, I believe, chiefly in consequence of the political events in the United States unconnected with this question. I think it desirable to correct the misconceptions which have arisen with respect to these transactions, though I do not think that, even if the view of them which is taken by Mr. Blaine is accurate, they would bear out the argument which he founds upon them.

I shall be glad if you will take the opportunity of informing Mr. Blaine of these corrections.

I am, etc.,

SALISBURY.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *June 30, 1890.*

SIR: I have received a dispatch from the Marquis of Salisbury with reference to the passage in your note to me of the 4th instant, in which you remark that in 1888 his lordship abruptly closed the negotiations

because "the Canadian Government objected," and that he "assigned no other reason whatever."

In view of the observations contained in Lord Salisbury's dispatch of the 20th of June, of which a copy is inclosed in my last preceding note of this date, his lordship deems it unnecessary to discuss at any greater length the circumstances which led to an interruption of the negotiations of 1888.

With regard, however, to the passage in your note of the 4th instant above referred to, his lordship wishes me to call your attention to the following statement made to him by Mr. Phelps, the United States Minister in London, on the 3d of April, 1888, and which was recorded in a dispatch of the same date to Her Majesty's Minister at Washington:

"Under the peculiar political circumstances of America at this moment," said Mr. Phelps, "with a generl election impending, it would by of little use, and indeed hardly practicable, to conduct any negotiation to its issue before the election had taken place."

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, July 2, 1890.

SIR: Your note of the 27th ultimo, covering Lord Salisbury's reply to the friendly suggestion of the President, was duly received. It was the design of the President, if Lord Salisbury had been favorably inclined to his proposition, to submit a form of settlement for the consideration of Her Majesty's Government which the President believed would end all dispute touching privileges in Behring Sea. But Lord Salisbury refused to accept the proposal unless the President should "*forthwith*" accept a formal arbitration, which his lordship prescribes.

The President's request was made in the hope that it might lead to a friendly basis of agreement, and he can not think that Lord Salisbury's proposition is responsive to his suggestion. Besides, the answer comes so late that it would be impossible now to proceed this season with the negotiation the President had desired.

An agreement to arbitrate requires careful consideration. The United States is perhaps more fully committed to that form of international adjustment than any other power, but it can not consent that the form in which arbitration shall be undertaken shall be decided without full consultation and conference between the two Governments.

I beg further to say that you must have misapprehended what I said touching British claims for injuries and losses alleged to have been inflicted upon British vessels in Behring Sea by agents of the United States. My declaration was that arbitration would logically and necessarily include that point. It is not to be conceded, but decided with other issues of far greater weight.

I have the honor to be, sir, etc.,

JAMES G. BLAINE.

Mr. Blaine to Sir Julian Pauncefote.

BAR HARBOR, MAINE, *July 19, 1890.*

SIR: I regret that circumstances beyond my control have postponed my reply to your two notes of June 30, which were received on the 1st instant, on the eve of my leaving Washington for this place. The note which came to hand on the forenoon of that day inclosed a dispatch from Lord Salisbury, in which his lordship, referring to my note of May 29, expresses "a wish to point out some errors" which he thinks I "had gathered from the records in my office."

The purpose of Lord Salisbury is to show that I misapprehended the facts of the case when I represented him, in my note of May 29, as having given such "verbal assurances" to Mr. Phelps as warranted the latter in expecting a convention to be concluded between the two Governments for the protection of the seal fisheries in Behring Sea.

Speaking directly to this point his lordship says:

> Mr. Blaine is under a misconception in imagining that I ever gave any verbal assurance or any promise of any kind with respect to the terms of the proposed convention.

In answer to this statement I beg you will say to Lord Salisbury that I simply quoted, in my note of May 29, the facts communicated by our Minister, Mr. Phelps, and our chargé d'affaires, Mr. White, who are responsible for the official statements made to this Government at different stages of the seal fisheries negotiation.

On the 25th day of February, 1888, as already stated in my note of May 29, Mr. Phelps sent the following intelligence to Secretary Bayard, viz:

> Lord Salisbury assents to your proposition to establish by mutual arrangement between the Governments interested a close time for fur-seals between April 15 and November 1, in each year, and between one hundred and sixty degrees of longitude west, and one hundred and seventy degrees of longitude east in the Bering Sea. And he will cause an act to be introduced in Parliament to give effect to this arrangement, so soon as it can be prepared. In his opinion there is no doubt that the act will be passed. He will also join the United States Government in any preventive measures it may be thought best to adopt by orders issued to the naval vessels of the respective Governments in that region.

Mr. Phelps has long been known in this country as an able lawyer, accurate in the use of words, and discriminating in the statement of facts. The Government of the United States necessarily reposes implicit confidence in the literal correctness of the dispatch above quoted.

Sometime after the foregoing conference between Lord Salisbury and Mr. Phelps had taken place, his lordship invited the Russian Embassador, M. de Staal, and the American chargé, Mr. White (Mr. Phelps being absent from London), to a conference held at the Foreign Office on the 16th of April, touching the Behring Sea controversy. This conference was really called at the request of the Russian Embassador, who desired that Russian rights in the Bering Sea should be as fully recognized by England as American rights had been recognized in the verbal agreement of February 25 between Lord Salisbury and Mr. Phelps. The Russian Embassador received from Lord Salisbury the assurance (valuable also to the United States) that the protected area for seal life should be extended southward to the forty-seventh degree of north latitude, and also the promise that he would have "a draft convention prepared for submission to the Russian Embassador and the American chargé."

Lord Salisbury now contends that all the proceedings at the conference of April 16 are to be regarded as only "*provisional, in order to furnish a basis for negotiation, and without definitely pledging our Government.*" While the understanding of this Government differs from that maintained by Lord Salisbury, I am instructed by the President to say that the United States is willing to consider all the proceedings of April 16, 1888, as canceled, so far as American rights may be concerned. This Government will ask Great Britain to adhere only to the agreement made between Lord Salisbury and Mr. Phelps on the 25th of February, 1888. That was an agreement made directly between the two Governments and did not include the rights of Russia. Asking Lord Salisbury to adhere to the agreement of February 25, we leave the agreement of April 16 to be maintained, if maintained at all, by Russia, for whose cause and for whose advantage it was particularly designed.

While Lord Salisbury makes a general denial of having given "verbal assurances," he has not made a special denial touching the agreement between himself and Mr. Phelps, which Mr. Phelps has reported in special detail, and the correctness of which he has since specially affirmed on more than one occasion.

In your second note of June 30, received in the afternoon of July 1, you called my attention (at Lord Salisbury's request) to a statement which I made in my note of June 4 to this effect:

> It is evident, therefore, that in 1888 Lord Salisbury abruptly closed the negotiation because, in his own phrase, "the Canadian Government objected."

To show that there were other causes for closing the negotiation Lord Salisbury desires that attention be called to a remark made to him by Mr. Phelps on the 3d day of April, 1888, as follows: "Under the peculiar circumstances of America at this moment, with a general election impending, it would be of little use and indeed hardly practicable to conduct any negotiation to its issue before the general election has taken place."

I am quite ready to admit that such a statement made by Mr. Phelps might now be adduced as one of the reasons for breaking off the negotiation, if in fact the negotiation had been then broken off, but Lord Salisbury immediately proceeded with the negotiation. The remark ascribed to Mr. Phelps was made, as Lord Salisbury states, on the 3d of April, 1888. On the 5th of April Mr. Phelps left London on a visit to the United States. On the 6th of April Lord Salisbury addressed a private note to Mr. White to meet the Russian ambassador at the foreign office, as he had appointed a meeting for April 16 to discuss the questions at issue concerning the seal fisheries in Bering Sea.

On the 23d of April there was some correspondence in regard to an order in council and an act of Parliament. On the 27th of April Under Secretary Barrington, of the foreign office, in an official note, informed Mr. White that "the next step was to bring in an act of Parliament."

On the 28th of April Mr. White was informed that an act of Parliament would be necessary in addition to the order in council, but that "neither act nor order could be draughted *until Canada is heard from.*"

Mr. Phelps returned to London on the 22d of June, and immediately took up the subject, earnestly pressing Lord Salisbury to come to a conclusion. On the 28th of July he telegraphed his Government expressing the "fear that owing to Canadian opposition we shall get no convention."

On the 12th of September Mr. Phelps wrote to Secretary Bayard that

Lord Salisbury had stated that "the Canadian Government objected to any such restrictions [as those asked for the protection of the seal fisheries], and that until Canada's consent could be obtained, Her Majesty's Government was not willing to enter into the convention."

I am justified, therefore, in assuming that Lord Salisbury can not recur to the remark of Mr. Phelps as one of the reasons for breaking off the negotiation, because the negotiation was in actual progress for more than four months after the remark was made, and Mr. Phelps himself took large part in it.

Upon this recital of facts I am unable to recall or in any way to qualify the statement which I made in my note of June 4th, to the effect that Lord Salisbury "abruptly closed the negotiation because the Canadian Government objected, and that he assigned no other reason whatever."

Lord Salisbury expresses the belief that even if the view I have taken of these transactions be accurate they would not bear out the argument which I found upon them. The argument to which Lord Salisbury refers is, I presume, the remonstrance which I made by direction of the President against the change of policy by Her Majesty's Government without notice and against the wish of the United States. The interposition of the wishes of a British province against the conclusion of a convention between two nations, which, according to Mr. Phelps, "*had been virtually agreed upon except as to details*," was in the President's belief a grave injustice to the Government of the United States.

I have, etc.,

JAMES G. BLAINE.

CORRESPONDENCE RELATIVE TO THE JURISDICTIONAL RIGHTS IN BERING SEA FORMERLY POSSESSED BY RUSSIA AND TRANSFERRED TO THE UNITED STATES BY THE TREATY OF 1867 *(Continued)*.

Lord Salisbury to Sir Julian Pauncefote.

No. 166.] FOREIGN OFFICE, *August 2, 1890.*

SIR: I have received and laid before the Queen your dispatch No. 101 of the 1st ultimo, forwarding a copy of a note from Mr. Blaine, in which he maintains that the United States have derived from Russia rights of jurisdiction over the waters of Behrings Sea to a distance of 100 miles from the coasts transferred to them under the treaty of the 30th March, 1867.

In replying to the arguments to the contrary effect contained in my dispatch 106A of the 22d May, Mr. Blaine draws attention to certain expressions which I had omitted for the sake of brevity in quoting from Mr. Adams's dispatch of the 22d July, 1823. He contends that these words give a different meaning to the dispatch, and that the latter does not refute but actually supports the present claim of the United States. It becomes necessary, therefore, that I should refer in greater detail to the correspondence, an examination of which will show that the passage in question can not have the significance which Mr. Blaine seeks to give to it, that the words omitted by me do not in reality affect

the point at issue, and that the view which he takes of the attitude both of Great Britain and of the United States towards the claim put forward by Russia in 1822 can not be reconciled with the tenor of the dispatches.

It appears from the published papers that in 1799 the Emperor, Paul I, granted by charter to the Russian American Company the exclusive right of hunting, trade, industries, and discoveries of new land on the Northwest Coast of America, from Behring's Strait to the fifty-fifth degree of north latitude, with permission to the company to extend their discoveries to the south, and to form establishments there, provided they did not encroach upon the territory occupied by other powers.

The southern limit thus provisionally assigned to the company corresponds, within 20 or 30 miles, with that which was eventually agreed upon as the boundary between the British and Russian possessions. It comprises not only the whole American coast of Bering Sea, but a long reach of coast line in the south of the Alaskan peninsula as far as the level of the southern portion of Prince of Wales Island.

The charter, which was issued at a time of great European excitement, attracted apparently little attention at the moment and gave rise to no remonstrance. It made no claim to exclusive jurisdiction over the sea, nor do any measures appear to have been taken under it to restrict the commerce, navigation, or fishery of the subjects of foreign nations. But in September, 1821, the Russian Government issued a fresh ukase, of which the provisions material to the present discussion were as follows:

SECTION 1. The pursuits of commerce, whaling, and fishing, and of all other industry, on all islands, ports, and gulfs, including the whole of the Northwest Coast of America, beginning from Behring's Strait to the 51st degree of northern latitude; also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Strait to the south cape of the Island of Urup, viz, to 45° 50′ northern latitude, are exclusively granted to Russian subjects.

SEC. 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo.

By this ukase the exclusive dominion claimed by Russia on the American continent was pushed some 250 miles to the south as far as Vancouver Island, and notice was for the first time given of a claim to maritime jurisdiction which was regarded both in England and the United States as extravagant, or, to use Lord Stowell's description of it, "very unmeasured and insupportable."

Upon receiving communication of the ukase the British and United States Governments at once objected both to the extension of the territorial claim and to the assertion of maritime jurisdiction. For the present I will refer only to the protest of the United States Government. This was made in a note from Mr. John Quincy Adams, then Secretary of State, to the Russian representative, dated the 25th February, 1822, which contains the following statement:

I am directed by the President of the United States to inform you that he has seen with surprise in this edict the assertion of a territorial claim on the part of Russia extending to the fifty-first degree of north latitude on this continent, and a regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which that claim is made to apply. The relations of the United States with His Imperial Majesty have always been of the most friendly character, and it is the earnest desire of this Government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia on this continent, that the same would have been arranged

by treaty between the parties. To exclude the vessels of our citizens from the shore, beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.

This ordinance affects so deeply the rights of the United States and of their citizens that I am instructed to inquire whether you are authorized to give explanations of the grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and regulations contained in it.

The Russian representative replied at length, defending the territorial claim on grounds of discovery, first occupation, and undisturbed possession, and explaining the motive "which determined the Imperial Government to prohibit foreign vessels from approaching the Northwest Coasts of America belonging to Russia within the distance of at least 100 Italian miles. This measure," he said, "however severe it may at first view appear, is after all but a measure of prevention." He went on to say that it was adopted in order to put a stop to an illicit trade in arms and ammunition with the natives, against which the Russian Government had frequently remonstrated; and further on he observed:

I ought, in the last place, to request you to consider, sir, that the Russian possessions in the Pacific Ocean extend, on the Northwest Coast of America, from Behrings Strait to the fifty-first degree of north latitude, and on the opposite side of Asia and the islands adjacent, from the same strait to the forty-fifth degree. The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to *shut seas* ("mers fermées"), and the Russian Government might, consequently, judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking any advantage of localities.

To this Mr. Adams replied (30th March, 1822), pointing out that the only ground given for the extension of the Russian territorial claim was the establishment of a settlement, not upon the continent, but upon a small island actually within the limits prescribed to the Russian American Company in 1799, and he went on to say:

This pretension is to be considered not only with reference to the question of territorial right, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within 100 Italian miles of the coasts. From the period of the existence of the United States as an independent nation their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than 90° of longitude, or 4,000 miles.

The Russian representative replied to this note, endeavoring to prove that the territorial rights of Russia on the Northwest Coast of America were not confined to the limits of the concession granted to the Russian American Company in 1799, and arguing that the great extent of the Pacific Ocean at the fifty-first degree of latitude did not invalidate the right which Russia might have to consider that part of the ocean as closed. But he added that further discussion of this point was unnecessary, as the Imperial Government had not thought fit to take advantage of that right.

The correspondence then dropped for a time, to be resumed in the following spring. But it is perfectly clear from the above that the privileges granted to the Russian American Company in 1799, whatever effect that may have had as regards other Russian subjects, did not operate to exclude American vessels from any part of the coast, and that the attempt to exclude them in 1821 was at once resisted. Further, that the Russian Government had no idea of any distinction between

Behring Sea and the Pacific Ocean, which latter they considered as reaching southward from Bering Straits. Nor throughout the whole of the subsequent correspondence is there any reference whatever on either side to any distinctive name for Behring Sea, or any intimation that it could be considered otherwise than as forming an integral part of the Pacific Ocean.

I now come to the dispatch from Mr. Adams to Mr. Middleton of the 22d of July, 1823, to which reference has before been made, and which it will be necessary to quote somewhat at length. After authorizing Mr. Middleton to enter upon a negotiation with the Russian ministers concerning the differences which had arisen from the ukase of the 4th (16th) September, 1821, Mr. Adams continues:

> From the tenor of the ukase, the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude, on the Asiatic coast, to the latitude of 51° north on the western coast of the American continent; and they assume the right of interdicting the navigation and the fishery of all other nations to the extent of 100 miles from the whole of that coast.
>
> The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, after the peace of 1783, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions which, so far as Russian rights are concerned, are confined to certain islands north of the fifty-fifth degree of latitude, and have no existence on the continent of America.

Mr. Blaine has argued at great length to show that when Mr. Adams used these clear and forcible expressions he did not mean what he seemed to say; that when he stated that the United States "could admit no part of these claims," he meant that they admitted all that part of them which related to the coast north of the Aleutian Islands; that when he spoke of the Southern Ocean he meant to except Behring Sea; and that when he contended that the ordinary exceptions and exclusions of the territorial jurisdictions had no existence, so far as Russian rights were concerned, on the continent of America, he used the latter term not in a geographical but in a "territorial" sense, and tacitly excepted, by a very singular *petitio principii*, the Russian possessions. In order to carry out this theory it is necessary for him also to assume that the negotiators, in the course of the discussions, made indiscriminate use of the term "Northwest Coast of America," with a variety of signification which he admits to be "confusing, and, at certain points, apparently contradictory and irreconcilable."

The reputation of the American statesmen and diplomatists of that day for caution and precision affords of itself strong argument against such a view, and even if this had been otherwise, so forced a construction would require very strong evidence to confirm it. But a glance at the rest of the dispatch and at the other papers will show that the more simple interpretation of the words is the correct one. For Mr. Adams goes on to say:

> The correspondence between M. Poletica and this Department contained no discussion of the principles or of the facts upon which he attempted the justification of the imperial ukase. This was purposely avoided on our part, under the expectation that the Imperial Government could not fail, upon a review of the measure, to revoke it altogether. It did, however, excite much public animadversion in this country, as the ukase itself had already done in England. I inclose herewith the North American Review for October, 1822, No. 37, which contains an article (page 370) written by a person fully master of the subject; and for the view of it taken in England I refer you to the fifty-second number of the Quarterly Review, the article upon Lieutenant Kotzebue's voyages. From the article in the North American Review it will be seen that the rights of discovery, of occupancy, and of uncontested possession alleged by M. Poletica are all without foundation in fact. * * *

On reference to the last-mentioned article, it will be found that the writer states that:

A trade to the northwestern coast of America and the free navigation of the waters that wash its shores have been enjoyed as a common right by subjects of the United States and of several European powers without interruption for nearly forty years. We are by no means prepared to believe or admit that all this has been on sufferance merely, and that the *rights* of commerce and navigation in that region have been vested in Russia alone.

Further on he puts the question in the following manner (the italics are his own):

It is not, we apprehend, whether Russia has any settlements that give her territorial claims on the continent of America. This we do not deny. But it is *whether the location of those settlements and the discoveries of their navigators are such as they are represented to be; whether they entitle her to the exclusive possession of the whole territory north of 51° and to sovereignty over the Pacific Ocean beyond that parallel.*

These passages sufficiently illustrate Mr. Adams's meaning, if any evidence be required that he used plain language in its ordinary sense. Clearly he meant to deny that the Russian settlements or discoveries gave Russia any claim as of right to exclude the navigation or fishery of other nations from any part of the seas on the coast of America, and that her rights in this respect were limited to the territorial waters of certain islands of which she was in permanent and complete occupation.

Having distinctly laid down this proposition as regards the rights of the case, Mr. Adams went on to state what the United States were ready to agree to as a matter of conventional arrangement. He said:

With regard to the territorial claim separate from the right of traffic with the natives and from any system of colonial exclusions, we are willing to agree to the boundary line within which the Emperor Paul had granted exclusive privileges to the Russian American Company, that is to say, latitude 55°.

If the Russian Government apprehended serious inconvenience from the illicit traffic of foreigners with their settlements on the Northwest Coast, it may be effectually guarded against by stipulations similar to those a draft of which is herewith subjoined, and to which you are authorized, on the part of the United States, to agree. * * *

The draft convention was as follows:

DRAFT OF TREATY BETWEEN THE UNITED STATES AND RUSSIA.

ARTICLE I. In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the contracting parties, it is agreed that their respective citizens and subjects shall not be disturbed or molested, either in navigating or in carrying on their fisheries in the Pacific Ocean or in the South Seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, subject, nevertheless, to the restrictions and provisions specified in the two following articles.

ART. II. To the end that the navigation and fishery of the citizens and subjects of the contracting parties, respectively, in the Pacific Ocean or in the South Seas may not be made a pretext for illicit trade with their respective settlements, it is agreed that the citizens of the United States shall not land on any part of the coast actually occupied by Russian settlements, unless by permission of the governor or commander thereof, and that Russian subjects shall, in like manner, be interdicted from landing without permission at any settlement of the United States on the said Northwest Coast.

ART. III. It is agreed that no settlement shall be made hereafter on the Northwest Coast of America by citizens of the United States, or under their authority, north, nor by Russian subjects, or under the authority of Russia, south, of the 55th degree of north latitude.

In an explanatory dispatch to Mr. Rush, the American Minister in London, same date, Mr. Adams says:

The right of carrying on trade with the natives throughout the Northwest Coast they (the United States) can not renounce. With the Russian settlements at Kodiak,

or at New Archangel, they may fairly claim the advantage of a free trade, having so long enjoyed it unmolested, and because it has been and would continue to be as advantageous at least to those settlements as to them. But they will not contest the right of Russia to prohibit the traffic, as strictly confined to the Russian settlement itself, and not extending to the original natives of the coast. * * *

It is difficult to conceive how the term "Northwest Coast of America," used here and elsewhere, can be interpreted otherwise than as applying to the Northwest Coast of America generally, or how it can be seriously contended that it was meant to denote only the more westerly portion, excluding the more northwesterly part, because by becoming a Russian possession this latter had ceased to belong to the American continent.

Mr. Blaine states that when Mr. Middleton declared that Russia had no right of exclusion on the coasts of America between the fiftieth and sixtieth degrees of north latitude, nor in the seas which washed those coasts, he intended to make a distinction between Behring Sea and the Pacific Ocean. But upon reference to a map it will be seen that the sixtieth degree of north latitude strikes straight across Behring Sea, leaving by far the larger and more important part of it to the south, so that I confess it appears to me that by no conceivable construction of his words can Mr. Middleton be supposed to have excepted that sea from those which he declared to be free.

With regard to the construction which Mr. Blaine puts upon the treaty between the United States and Russia of the 17th April, 1824, I will only say that it is, as far as I am aware, an entirely novel one, that there is no trace of its having been known to the various publicists who have given an account of the controversy in treaties on international law, and that it is contrary, as I shall show, to that which the British negotiators placed on the treaty when they adopted the first and second articles for insertion in the British treaty of the 28th February, 1825, I must further dissent from his interpretation of Article VII of the latter treaty. That article gives to the vessels of the two powers "liberty to frequent all the inland seas, gulfs, havens, and creeks on the coast mentioned in Article III for the purpose of fishing and of trading with the natives." The expression "coast mentioned in Article III" can only refer to the first words of the article: "The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the island of America to the northwest shall be drawn," etc. That is to say, it included all the possessions of the two powers on the Northwest Coast of America. For there would have been no sense whatever in stipulating that Russian vessels should have freedom of access to the small portion of coast which, by a later part of the article, is to belong to Russia. And as bearing on this point it will be noticed that Article VI, which has a more restricted bearing, speaks only of "the subjects of His Britannic Majesty" and of "the *line of coast described* in Article III."

The stipulation of the treaty were formally renewed by articles inserted in the general treaties of commerce between Great Britain and Russia of 1843 and 1859. But Mr. Blaine states that—

> The rights of the Russian American Company which, under both ukases, included the sovereignty over the sea to the extent of 100 miles from the shores, were reserved by special clause in a separate and special article signed after the principal articles of the treaty had been concluded and signed.

Upon this I have to observe, in the first place, that the ukase of 1799 did not contain any mention whatever of sovereignty over the sea; secondly, that the context of the separate article is such as altogether to preclude the interpretation that it was meant to recognize the objectionable claim contained in the ukase of 1821. I will quote the article at length:

SEPARATE ARTICLE II.

It is understood in like manner that the exceptions, immunities, and privileges hereinafter mentioned shall not be considered as at variance with the principle of reciprocity which forms the basis of the treaty of this date, that is to say:

1. The exemption from navigation dues during the first three years which is enjoyed by vessels built in Russia and belonging to Russian subjects.
2. The exemptions of the like nature granted in the Russian ports of the Black Sea, the sea of Azof, and the Danube to such Turkish vessels arriving from ports of the Ottoman Empire situated on the Black Sea as do not exceed 80 lasts burden.
3. The permission granted to the inhabitants of the coast of the Government of Archangel to import duty free, or on payment of moderate duties, into ports of the said Government dried or salted fish, as likewise certain kinds of furs, and to export therefrom, in the same manner, corn, rope and cordage, pitch, and ravensduck.
4. The privilege of the Russian American Company.
5. The privilege of the steam navigation companies of Lubeck and Havre; lastly,
6. The immunities granted in Russia to certain English companies, called "yacht clubs."

To suppose that under the simple words "the privilege of the Russian American Company," placed in connection with the privilege of French and German steam navigation companies and the immunities of yacht clubs, it was intended to acknowledge a claim of jurisdiction against which Her Majesty's Government had formally protested as contrary to international law, and which it had avowedly been one of the main objects of the treaty of 1825 to extinguish, is a suggestion too improbable to require any lengthened discussion.

But Her Majesty's Government did not of course agree to the article without knowing what was the exact nature of the privileges thus excepted from reciprocity. They had received from the Russian ambassador, in December, 1842, an explanatory memorandum on this subject, of which the following is the portion relating to the Russian American Company:

IV.

La Compagnie Russe Américaine a le privilège d'expédier francs de droits de Cronstadt autour du monde et d'Ochotsk dans les colonies russes, les produits russes ainsi que les marchandises étrangères dont les droits ont déjà été prélevés; de même d'importer au retour de ces colonies des cargaisons de pelleteries et d'autres produits de ces colonies, sans payer aucun droit, si d'après les lois générales il n'est pas établi d'impôt particulier intérieur sur les marchandises de pelleterie.

Observation.—D'après le tarif en vigueur, l'importation des fourrures dans les ports de St.-Pétersbourg et d'Archangel, de production russe et sur des vaisseaux russes, est admise sans droits.

It is surely incredible that if the privilege of the Russian American Company did comprise a right of excluding vessels from approaching within 100 miles of the shore it should not even have been alluded to in this explanation.

Nor is it possible to agree in Mr. Blaine's view that the exclusion of foreign vessels for a distance of 100 miles from the coast remained in force pending the negotiations and in so far as it was not modified by the conventions. A claim of jurisdiction over the open sea, which is not in accordance with the recognized principles of international law or usage, may of course be asserted by force, but can not be said to have any legal validity as against the vessels of other countries, except in so far as it is positively admitted by conventional agreements with those countries.

I do not suppose that it is necesaary that I should argue at length upon so elementary a point as that a claim to prohibit the vessels of other nations from approaching within a distance of 100 miles from the

coast is contrary to modern international usage. Mr. Adams and Mr. Canning clearly thought in 1823 that the matter was beyond doubt or discussion.

The rule which was recognized at that time, and which has been generally admitted both by publicists and Governments, limits the jurisdiction of a country in the open sea to a distance of 3 miles from its coasts, this having been considered to be the range of a cannon shot when the principle was adopted.

Wheaton, who may be regarded as a contemporary authority, equally respected in Europe and America, says:

> The maritime territory of every State extends to the ports, harbors, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands belonging to the same State. The general usage of nations superadds to this extent of territorial jurisdiction a distance of a marine league, or as far as a cannon shot will reach from the shore along all the coasts of the State.

And again:

> The rule of law on this subject is *terræ dominium finitur ubi finitur armorum vis;* and since the introduction of firearms that distance has usually been recognized to be about 3 miles from the shore.

Chancellor Kent, who is inclined to advocate a more extended limit, still admits that—

> According to the current of modern authority, the general territorial jurisdiction extends into the sea as far as cannon shot will reach, and no farther; and this is generally calculated to be a marine league.

Calvo, one of the most recent text writers, makes a corresponding statement:

> Les limites juridictionnelles d'un État embrassent non seulement son territoire, mais encore les eaux qui le traversent ou l'entourent, les ports, les baies, les golfes, les embouchures des fleuves et les mers enclavées dans son territoire. L'usage général des nations permet également aux États d'exercer leur juridiction sur la zone maritime jusqu'à 3 milles marins ou à la portée de cannon de leurs côtes.

But I need scarcely appeal to any other authority than that of the United States Government itself.

In a note to the Spanish minister, dated the 16th December, 1862, on the subject of the Spanish claim to a 6-mile limit at sea, Mr. Seward stated:[1]

> A third principle bearing on the subject is also well established, namely, that this exclusive sovereignty of a nation—thus abridging the universal liberty of the seas—extends no farther than the power of the nation to maintain it by force, stationed on the coast, extends. This principle is tersely expressed in the maxim "*terra dominium finitur ubi finitur armorum vis.*
>
> But it must always be a matter of uncertainty and dispute at what point the force of arms, exerted on the coast, can actually reach. The publicists rather advanced toward than reached a solution when they laid down the rule that the limit of the force is the range of a cannon ball. The range of a cannon ball is shorter or longer according to the circumstances of projection, and it must be always liable to change with the improvement of the science of ordnance. Such uncertainty upon a point of jurisdiction or sovereignty would be productive of many and endless controversies and conflicts. A more practical limit of national jurisdiction upon the high seas was indispensably necessary, and this was found, as the undersigned thinks, in fixing the limit at 3 miles from the coast. This limit was early proposed by the publicists of all maritime nations. While it is not insisted that all nations have accepted or acquiesced and bound themselves to abide by this rule when applied to themselves, yet three points involved in the subject are insisted upon by the United States:
>
> 1. That this limit has been generally recognized by nations;
> 2. That no other general rule has been accepted; and
> 3. That if any State has succeeded in fixing for itself a larger limit, this has been done by the exercise of maritime power, and constitutes an exception to the general

[1] Wharton's International Law Digest, vol. 1, § 32.

understanding which fixes the range of a cannon shot (when it is made the test of jurisdiction) at 3 miles. So generally is this rule accepted that writers commonly use the expressions of a range of cannon shot and 3 miles as equivalents of each other. In other cases, they use the latter expression as a substitute for the former.

And in a later communication on the same subject of the 10th August, 1863, he observes:

Nevertheless, it can not be admitted, nor indeed is Mr. Tassara understood to claim, that the mere assertion of a sovereign, by an act of legislation however solemn, can have the effect to establish and fix its external maritime jurisdiction. His right to a jurisdiction of 3 miles is derived, not from his own decree, but from the law of nations, and exists even though he may never have proclaimed or asserted it by any decree or declaration whatsoever. He can not, by a mere decree, extend the limit and fix it at 6 miles, because, if he could, he could in the same manner and upon motives of interest, ambition, or even upon caprice, fix it at 10, or 20, or 50 miles without the consent or acquisescence of other powers which have a common right with himself in the freedom of all the oceans. Such a pretension could never be successfully or rightfully maintained.

The same principles were laid down in a note addressed to Sir E. Thornton by Mr. Fish, then Secretary of State, on the 22d January, 1875. Mr. Fish there stated:

We have always understood and asserted that pursuant to public law no nation can rightfully claim jurisdiction at sea beyond a marine league from the coast.

He then went on to explain the only two exceptions that were apparently known to him so far as the United States were concerned: Certain revenue laws which admitted the boarding of vessels at a distance of 4 leagues from the coast, which, he said, had never been so applied in practice as to give rise to complaint on the part of a foreign government; and a treaty between the United States and Mexico of 1848, in which the boundary line between the two States was described as beginning in the Gulf of Mexico 3 leagues from land. As regards this stipulation, he observed that it had been explained at the time that it could only affect the rights of Mexico and the United States, and was never intended to trench upon the rights of Great Britain or of any other power under the law of nations.

It would seem, therefore, that Mr. Fish was entirely unaware of the exceptional jurisdiction in Behring Sea, which is now said to have been conceded by the United States to Russia from 1823 to 1867, transferred to the United States, so far as the American coast was concerned, only eight years before he wrote, and which would presumably be still asknowledged by them as belonging to Russia on the Asiatic shore. I must suppose that when Mr. Blaine states that "both the United States and Great Britain recognized, respected, obeyed" the ukase of 1821, in so far as it affected Behring Sea, he has some evidence to go upon in regard to the conduct of his country which is unknown to the world at large, and which he has not as yet produced. But I must be allowed altogether to deny that the attitude of Great Britain was such as he represents, or that she ever admitted by act or by sufferance the extraordinary claim of maritime jurisdiction which that ukase contained.

The inclosed copies of correspondence, extracted from the archives of this office, make it very difficult to believe that Mr. Blaine has not been altogether led into error. It results from them that not only did Her Majesty's Government formally protest against the ukase on its first issue as contrary to the acknowledged law of nations, but that the Russian Government gave a verbal assurance that the claim of jurisdiction would not be exercised. In the subsequent negotiations great importance was attached to obtaining a more formal disavowal of the claim in the manner least hurtful to Russian susceptibilities, but so as

effectually to preclude its revival. And this security the British Government undoubtedly considered that both they and the United States had obtained by the conventions of 1824 and 1825.

Upon this point the instructions given by Mr. George Canning to Mr. Stratford Canning, when the latter was named plenipotentiary to negotiate the treaty of 1825, have a material bearing.

Writing under date of the 8th December, 1824, after giving a summary of the negotiations up to that date, he goes on to say—

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possessions on the continent of America, but the pretensions of the Russian ukase of 1821, to exclusive dominion over the Pacific, could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.

You will, therefore, take care in the first instance to repress any attempt to give this change to the character of the negotiations, and will declare, without reserve, that the point to which alone the solicitude of the British Government and the jealousy of the British nation attach any great importance is the doing away (in a manner as little disagreeable to Russia as possible) of the effect of the ukase of 1821.

That this ukase is not acted upon, and that instructions have long ago been sent by the Russian Government to their cruisers in the Pacific to suspend the execution of its provisions is true, but a private disavowal of a published claim is no security against the revival of that claim; the suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself.

* * * * * * *

The right of the subjects of His Majesty to navigate freely in the Pacific can not be held as a matter of indulgence from any power. Having once been publicly questioned it must be publicly acknowledged.

We do not desire that any distinct reference should be made to the ukase of 1821, but we do feel it necessary that the statement of our right should be clear and positive, and that it should stand forth in the convention in the place which properly belongs to it as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the grant of the convention concluded between Russia and the United States of America, and we see no reason why, upon similar claims, we should not obtain exactly the like satisfaction.

For reasons of the same nature we can not consent that the liberty of navigation through Behring Straits should be stated in the treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf and on that of the whole civilized world, protest.

* * * * * * *

It will of course strike the Russian plenipotentiaries that, by the adoption of the American article respecting navigation, etc., the provision for an exclusive fishery of 2 leagues from the coasts of our respective possessions falls to the ground.

But the omission is, in truth, immaterial.

The law of nations assigns the exclusive sovereignty of 1 league to each power off its own coasts without any specified stipulation, and though Sir Charles Bagot was authorized to sign the convention with the specific stipulation of 2 leagues in ignorance of what had been decided in the American convention at the time, yet after that convention has been some months before the world, and after the opportunity of reconsideration has been forced upon us by the act of Russia herself, we can not now consent, in negotiating *de novo*, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contract between the United States and us to our disadvantage.

Mr. Stratford Canning, in his dispatch of the 1st March, 1825, inclosing the convention as signed, says:

With respect to Behring Straits I am happy to have it in my power to assure you, on the joint authority of the Russian plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of these straits or of the seas to the north of them.

These extracts show conclusively (1) that England refused to admit any part of the Russian claim asserted by the ukase of 1821 to a maritime jurisdiction and exclusive right of fishing throughout the whole

extent of that claim, from Behring Straits to the fifty-first parallel; (2) that the convention of 1825 was regarded on both sides as a renunciation on the part of Russia of that claim in its entirety, and (3) that though Behring Straits was known and specifically provided for, Behring Sea was not known by that name, but was regarded as part of the Pacific Ocean.

The answer, therefore, to the questions with which Mr. Blaine concludes his dispatch is that Her Majesty's Government have always claimed the freedom of navigation and fishing in the waters of Behring Sea outside the usual territorial limit of 1 marine league from the coast; that it is impossible to admit that a public right to fish, catch seals, or pursue any other lawful occupation on the high seas can be held to be abandoned by a nation from the mere fact that for a certain number of years it has not suited the subjects of that nation to exercise it.

It must be remembered that British Columbia has come into existence as a colony at a comparatively recent date, and that the first considerable influx of population, some thirty years ago, was due to the discovery of gold, and did not tend to an immediate development of the shipping interest.

I have to request that you will communicate a copy of this dispatch, and of its inclosures, to Mr. Blaine. You will state that Her Majesty's Government have no desire whatever to refuse to the United States any jurisdiction in Behring Sea which was conceded by Great Britain to Russia, and which properly accrues to the present possessors of Alaska in virtue of treaties or the law of nations; and that if the United States Government, after examination of the evidence and arguments which I have produced, still differ from them as to the legality of the recent captures in that sea, they are ready to agree that the question, with the issues that depend upon it, should be referred to impartial arbitration. You will in that case be authorized to consider, in concert with Mr. Blaine, the method of procedure to be followed.

I have, etc.,

SALISBURY.

[Inclosure 1.]

Lord Londonderry to Count Lieven.

FOREIGN OFFICE, *January 18, 1822*

The undersigned has the honor hereby to acknowledge the note addressed to him by Baron de Nicolai, of the 12th November last, covering a copy of an ukase issued by His Imperial Majesty the Emperor of all the Russias, and bearing date the 4th September, 1821, for various purposes therein set forth, especially connected with the territorial rights of his Crown on the northwestern coast of America bordering upon the Pacific and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto.

This document, containing regulations of great extent and importance, both in its territorial and maritime bearings, has been considered with the utmost attention and with those favorable sentiments which His Majesty's Government always bears toward the acts of a State with which His Majesty has the satisfaction to feel himself connected by the most intimate ties of of friendship and alliance, and having been referred for the report of those high legal authorities whose duty it is to advise His Majesty on such matters, the undersigned is directed, till such friendly explanations can take place between the two governments as may obviate misunderstanding upon so delicate and important a point, to make such provisional protest against the enactments of the said ukase as may fully serve to save the rights of His Majesty's Crown, and may protect the persons and properties of His Majesty's subjects from molestation in the exercise of their lawful callings in that quarter of the globe.

The undersigned is commanded to acquaint Count Lieven that, it being the King's constant desire to respect and cause to be respected by his subjects, in the fullest

manner, the Emperor of Russia's just rights, His Majesty will be ready to enter into amicable explanations upon the interests affected by this instrument in such manner as may be most acceptable to His Imperial Majesty.

In the meantime, upon the subject of this ukase generally, and especially upon the two main principles of claim laid down therein, viz, an exclusive sovereignty alleged to belong to Russia over the territories therein described, as also the exclusive right of navigating and trading within the maritime limits therein set forth, His Britannic Majesty must be understood as hereby reserving all his rights, not being prepared to admit that the intercourse which is allowed on the face of this instrument to have hitherto subsisted on those coasts and in those seas can be deemed to be illicit; or that the ships of friendly powers, even supposing an unqualified sovereignty was proved to appertain to the Imperial Crown, in these vast and very imperfectly occupied territories could, by the acknowledged law of nations, be excluded from navigating within the distance of 100 Italian miles, as therein laid down, from the coast, the exclusive dominion of which is assumed (but, as His Majesty's Government conceive, in error) to belong to His Imperial Majesty, the Emperor of all the Russias.

LONDONDERRY.

[Inclosure 2.]

Memorandum by the Duke of Wellington.—(September 11, 1822.)

In the course of a conversation which I had yesterday with Count Lieven, he informed that he had been directed to give verbal explanations of the ukase respecting the northwestern coast of America. These explanations went, he said, to this, that the Emperor did not propose to carry into execution the ukase in its extended sense; that His Imperial Majesty's ships had been directed to cruise at the shortest possible distance from the shore in order to supply the natives with arms and ammunition, and in order to warn all vessels that that was his Imperial Majesty's dominion, and that His Imperial Majesty had besides given directions to his minister in the United States to agree upon a treaty of limits with the United States.

[Inclosure 3.]

Mr. G. Canning to the Duke of Wellington.

FOREIGN OFFICE, *September 27, 1822.*

MY LORD DUKE: Your grace is already in possession of all that has passed, both here and at St. Petersburg, on the subject of the issue, in September of last year, by the Emperor of Russia, of an ukase, indirectly asserting an exclusive right of sovereignty from Bering Straits to the fifty-first degree of north latitude on the west coast of America, and to the forty-fifth degree north on the opposite coast of Asia, and (as a qualified exercise of that right) prohibiting all foreign ships, under pain of confiscation, from approaching within 100 Italian miles of those coasts. This ukase having been communicated by Baron Nicolai, the Russian chargé d'affaires at this court, to His Majesty's Government, was forthwith submitted to the legal authorities whose duty it is to advise His Majesty on such matters, and a note was in consequence addressed by the late Marquis of Londonderry to Count Lieven, the Russian ambassador, and also communicated to His Majesty's ambassador at St. Petersburg, protesting against the enactments of the said ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown and the interests of his subjects. As such explanations will probably be offered to your grace during the conferences about to take place at Vienna, I hasten to signify to you the King's commands as to the language which you will hold on the part of His Majesty upon this subject.

The opinions given in November and December last by Lord Stowell and by His Majesty's advocate-general (copies of which are already in your possession) will furnish you with the best legal arguments in opposition to the pretensions put forward in the Russian ukase; and as in both these opinions much stress is very properly laid upon the state of actual occupation of the territories claimed by Russia, and the different periods of time at which they were so occupied, I have obtained from the governor of the principal company of His Majesty's subjects trading in that part of the world the information of which your grace will find in the inclosed papers.

That information will enable you sufficiently to prove to the Russian Minister not only that the point of prior discovery may be fairly disputed with Russia, but that the much more certain title of actual occupation by the agents and the trading servants of the Hudson's Bay Company extends at this moment to many degrees of higher latitude on the northwest coast of America than is claimed as the territory of Russia by the ukase in question.

Enlightened statesmen and jurists have long held as insignificant all titles of territory that are not founded on actual occupation, and that title is, in the opinion of the most esteemed writers on public law, to be established only by practical use.

With respect to the other points in the ukase which have the effect of extending the territorial rights of Russia over the adjacent seas to the unprecedented distance of 100 miles from the line of coast, and of closing a hitherto unobstructed passage, at the present moment the object of important discoveries for the promotion of general commerce and navigation, these pretensions are considered by the best legal authorities as positive innovations on the rights of navigation; as such they can receive no explanation from further discussion, nor can by possibility be justified. Common usage, which has obtained the force of law, has indeed assigned to coasts and shores an accessorial boundary to a short limited distance for the purposes of protection and general convenience, in no manner interfering with the rights of others and not obstructing the freedom of general commerce and navigation. But this important qualification the extent of the present claim entirely excludes, and when such a prohibition is, as in the present case, applied to a long line of coasts and also to intermediate islands in remote seas, where navigation is beset with innumerable and unforeseen difficulties and where the principal employment of the fisheries must be pursued under circumstances which are incompatible with the prescribed courses, all particular considerations concur, in an especial manner, with the general principle in repelling such a pretension as an encroachment on the freedom of navigation and the unalienable rights of all nations.

I have, indeed, the satisfaction to believe, from a conference which I have had with Count Lieven on this matter, that upon these two points—the attempt to shut up the passage altogether, and the claim of exclusive dominion to so enormous a distance from the coast—the Russian Government are prepared entirely to waive their pretensions. The only effort that has been made to justify the latter claim was by reference to an article in the treaty of Utrecht, which assigns 30 leagues from the coast as the distance of prohibition. But to this argument it is sufficient to answer that the assumption of such a space was, in the instance quoted, by stipulation in a treaty, and one to which, therefore, the party to be affected by it had (whether wisely or not) given its deliberate consent. No inference could be drawn from that transaction in favor of a claim by authority against all the world.

I have little doubt, therefore, but that the public notification of the claim to consider the portions of the ocean included between the adjoining coasts of America and the Russian Empire as a *mare clausum*, and to extend the exclusive territorial jurisdiction of Russia to 100 Italian miles from the coast, will be publicly recalled; and I have the King's commands to instruct your grace further to require of the Russian Minister (on the ground of the facts and reasonings furnished in this dispatch and its inclosures) that such a portion of territory alone shall be defined as belonging to Russia as shall not interfere with the rights and actual possessions of His Majesty's subjects in North America.

I am, etc.,

GEO. CANNING.

[Inclosure 4.]

Memorandum on Russian ukase of 1821.

In the month of September, 1821, His Imperial Majesty, the Emperor of Russia is sued an ukase asserting the existence in the Crown of Russia of an exclusive right of sovereignty in the countries extending from Bering's Straits to the fifty-first degree of north latitude on the west coast of America, and to the forty-fifth degree of north latitude on the opposite coast of Asia; and, as a qualified exercise of that right of sovereignty, prohibiting all foreign vessels from approaching within 100 Italian miles of those coasts.

After this ukase had been submitted by the King's Government to those legal authorities whose duty it is to advise His Majesty on such matters, a note was addressed by the late Marquis of Londonderry to Count Lieven, the Russian Ambassador, protesting against the enactment of this ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown and the interests of his subjects.

We object, first, to the claim of sovereignty as set forth in this ukase; and, secondly, to the mode in which it is exercised.

The best writers on the laws of nations do not attribute the exclusive sovereignty, particularly of continents, to those who have first discovered them; and although we might on good grounds dispute with Russia the priority of discovery of these continents, we contend that the much more easily proved, more conclusive, and more certain title of occupation and use ought to decide the claim of sovereignty.

Now, we can prove that the English Northwest Company and the Hudson's Bay Company have for many years established forts and other trading stations in a country called New Caledonia, situated to the west of a range of mountains called Rocky Mountains, and extending along the shores of the Pacific Ocean from latitude 49° to latitude 60°.

These companies likewise possess factories and other establishments on Mackenzie's River, which falls into the Frazer River, as far north as latitude 66° 30′, from whence they carry on trade with the Indians inhabiting the countries to the west of that river, and who, from the nature of the country, can communicate with Mackenzie's River with more facility than they can with the posts in New Caledonia. Thus, in opposition to the claims founded on discovery, the priority of which, however, we conceive we might fairly dispute, we have the indisputable claim of occupancy and use for a series of years, which all the best writers on the laws of nations admit is the best-founded claim for territory of this description. Objecting, as we do, to this claim of exclusive sovereignty on the part of Russia, I might save myself the trouble of discussing the particular mode of its exercise as set forth in this ukase. But we object to the sovereignty proposed to be exercised under this ukase not less than we do to the claim of it. We can not admit the right of any power possessing the sovereignty of a country to exclude the vessels of others from the seas on its coasts to the distance of 100 Italian miles. We must object likewise to the arrangements contained in the said ukase conveying to private merchant ships the right to search in time of peace, etc., which are quite contrary to the laws and usages of nations and to the practice of modern times.

WELLINGTON.

VERONA, *October 17, 1822.*

To Count NESSELRODE.

[Inclosure 5.—Mémoire confidentiel.]

Count Nesselrode to the Duke of Wellington.

VÉRONE, *le 11 (23) novembre 1822.*

Le Cabinet de Russie a pris en mûre considération le Mémoire confidentiel que M. le Duc de Wellington lui a remis le 17 octobre dernier, relativement aux mesures adoptées par Sa Majesté l'Empereur, sous la date du (4) 16 septembre 1821, pour déterminer l'étendue des possessions russes sur la côte nord-ouest de l'Amérique, et pour interdire aux vaisseaux étrangers l'approche de ces possessions jusqu'à la distance de 100 milles d'Italie.

Les ouvertures faites à ce sujet au Gouvernement de Sa Majesté Britannique par le Comte de Lieven au moment où cet Ambassadeur allait quitter Londres doivent déja avoir prouvé que l'opinion que le Cabinet de St. James avait conçue des mesures dont il s'agit n'était point fondée sur une appréciation entièrement exacte des vues de Sa Majesté Impériale.

La Russie est loin de méconnaître que l'usage et l'occupation constituent le plus solide des titres d'après lesquels un État puisse réclamer des droits de souveraineté sur une portion quelconque du continent. La Russie est plus loin encore d'avoir voulu outrepasser arbitrairement les limites que ce titre assigne à ses domaines sur la côte nord-ouest de l'Amérique, ou ériger en principe général de droit maritime les regles qu'une nécessité purement locale l'avait obligée de poser pour la navigation étrangere dans le voisinage de la partie de cette côte qui lui appartient.

C'était au contraire parce qu'elle regardait ces droits de souveraineté comme legitimes, et parce que des considerations impérieuses tenant à l'existence même du commerce qu'elle fait dans les parages de la côte nord ouest de l'Amérique, la forçaient a établir un système de précautions devenues indispensables, qu'elle a fait paraître l'oukase du (4) 16 septembre 1821.

La Russie serait toujours prete à faire part des motifs qui en justifient les dispositions; mais pour le moment elle se bornera aux observations suivantes:—

M. le Duc de Wellington affirme, dans son Mémoire confidentiel du 17 octobre, que des établissements anglais, appartenant a deux compagnies, celle de la Baie de Hudson et celle du Nord-Ouest, se sont formés dans une contrée appelée la Nouvelle-Calé-

donie, qui s'étend le long de la côte de l'Océan Pacifique, depuis le 49e jusu' au 60e degré de latitude septentrionale

La Russie ne parlera point des établissements qui peuvent exister entre le 49e et le 51e parallèle; mais quant aux autres, elle n'hésite pas de convenir qu'elle en ignore jusqu'à présent l'existence, pour autant au moins qu'ils toucheraient l'Océan Pacifique.

Les cartes anglaises, même les plus récentes et les plus détaillées, n'indiquent absolument aucune des stations de commerce mentionnées dans le Mémoire du 17 octobre, sur la côte même de l'Amérique, entre le 51e et le 60e degré de latitude septentrionale.

D'ailleurs, depuis les expéditions de Behring et de Tchirikoff, c'est-à-dire depuis près d'un siècle, des établissements Russes ont pris, à partir du 60e degré, une extension progressive, qui dès l'année 1799 les avait fait parvenir jusqu'au 55e parallèle, comme le porte la première charte de la Compagnie Russe Américaine, charte qui a reçu dans le temps une publicité officielle, et qui n'a motivé aucune protestation de la part de l'Angleterre.

Cette même charte accordait à la Compagnie Russe le droit de porter ses établissements vers le midi au delà du 55e degré de latitude septentrionale, pourvu que de tels accroissements de territoire ne pussent donner motif de réclamation à aucune puissance étrangère.

L'Angleterre n'a pas non plus protesté contre cette disposition; elle n'a pas même réclamé contre les nouveaux établissements que la Compagnie Russe Américaine a pu former au sud du 55e degré, en vertu de ce privilège.

La Russie était donc pleinement autorisée à profiter d'un consentement qui, pour être tacite, n'en était pas moins solennel, et à déterminer pour bornes de ses domaines le degré de latitude jusqu'auquel la Compagnie Russe avait étendu ses opérations depuis 1799.

Quoiqu'il en soit, et quelque force que ces circonstances prêtent aux titres de la Russie, Sa Majesté Impériale ne déviera point dans cette conjoncture du système habituel de sa politique.

Le premier de ses vœux sera toujours de prévenir toute discussion, et de consolider de plus en plus les rapports d'amitié et de parfaite intelligence qu'elle se félicite d'entretenir avec la Grande-Bretagne.

En conséquence l'Empereur a chargé son Cabinet de déclarer à M. le Duc de Wellington (sans que cette déclaration puisse préjudicier en rien à ses droits, si elle n'était point acceptée) qu'il est prêt à fixer, au moyen d'une négociation amicale, et sur la base des convenances mutuelles, les degrés de latitude et de longitude que les deux Puissances regarderont comme dernières limites de leurs possessions et de leurs établissements sur la côte nordouest de l'Amérique.

Sa Majesté Impériale se plait à croire que cette négociation pourra se terminer sans difficulté à la satisfaction réciproque des deux États; et le Cabinet de Russie peut assurer dès à présent M. le Duc de Wellington que les mesures de précaution et de surveillance qui seront prises alors sur la partie russe de la côte d'Amérique se trouveront entièrement conformes aux droits dérivant de la souveraineté, ainsi qu'aux usages établis entre nations, et qu'aucune plainte légitime ne pourra s'élever contre elles.

[Inclosure 6.]

The Duke of Wellington to Mr. G. Canning.

VERONA, *November 28, 1822.*

SIR: I inclose the copy of a confidential memorandum which I gave to Count Nesselrode on the 17th October, regarding the Russian ukase, and the copy of his answer.

I have had one or two discussions with Count Lieven upon this paper, to which I object, as not enabling His Majesty's Government to found upon it any negotiation to settle the questions arising out of the ukase, which have not got the better of these difficulties: and I inclose you the copy of a letter which I have written to Count Lieven, which explains my objections to the Russian "Mémoire confidentiel." This question, then, stands exactly where it did. I have not been able to do anything upon it.

I have, &c.,

WELLINGTON.

[Inclosure 7.]

The Duke of Wellington to Count Lieven.

VERONA, *November 28, 1822.*

M. LE COMTE: Having considered the paper which your excellency gave me last night, on the part of his excellency Count Nesselrode, on the subject of our discussions on the Russian ukase, I must inform you that I can not consent, on the part of my Government, to found on that paper the negotiation for the settlement of the question which has arisen between the two Governments on this subject.

We object to the ukase on two grounds: (1) That His Imperial Majesty assumes thereby an exclusive sovereignty in North America, of which we are not prepared to acknowledge the existence or the extent; upon this point, however, the memoir of Count Nesselrode does afford the means of negotiation; and my Government will be ready to discuss it, either in London or St. Petersburg, whenever the state of the discussions on the other question arising out of the ukase will allow of the discussion.

The second ground on which we object to the ukase is that His Imperial Majesty thereby excludes from a certain considerable extent of the open sea vessels of other nations. We contend that the assumption of this power is contrary to the law of nations; and we can not found a negotiation upon a paper in which it is again broadly asserted. We contend that no power whatever can exclude another from the use of the open sea; a power can exclude itself from the navigation of a certain coast, sea, etc., by its own act or engagement, but it can not by right be excluded by another. This we consider as the law of nations; and we can not negotiate upon a paper in which a right is asserted inconsistent with this principle.

I think, therefore, that the best mode of proceeding would be that you should state your readiness to negotiate upon the whole subject, without restating the objectionable principle of the ukase which we can not admit.

I have, etc.,

WELLINGTON.

[Inclosure 8.]

The Duke of Wellington to Mr. G. Canning.

VERONA, *November 29, 1822.*

SIR: Since I wrote to you yesterday I have had another conversation with the Russian Minister regarding the ukase. It is now settled that both the memorandums which I inclosed to you should be considered as *non avenus*, and the Russian Ambassador in London is to address you a note in answer to that of the late Lord Londonderry, assuring you of the desire of the Emperor to negotiate with you upon the whole question of the Emperor's claims in North America, reserving them all if the negotiation should not be satisfactory to both parties.

This note will then put this matter in a train of negotiation, which is what was wished.

I have, etc.,

WELLINGTON.

[Inclosure 9.]

Count Lieven to Mr. G. Canning.

A la suite des déclarations verbales que le soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur de toutes les Russies, a faites au Ministère de Sa Majesté Britannique, le Cabinet de St. James a dû se convaincre que si des objections s'étaient elevés contre le réglement publié au nom de Sa Majesté l'Empereur de toutes les Russies sous la date du 4 (16) septembre 1821, les mesures ultérieures adoptées par Sa Majesté Impériale ne laissent aucun doute sur la pureté de ses vues et sur le désir qu'elle aura toujours de concilier ses droits et ses intérêts avec les intérêts et les droits des Puissances auxquelles l'unissent les liens d'une amitié véritable et d'une bienveillance réciproque.

Avant de quitter Vérone, le soussigné a reçu l'ordre de donner au Gouvernement de Sa Majesté Britannique une nouvelle preuve des dispositions connues de l'Empereur, en proposant à son excellence M. Canning, Principal Secretaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangeres, sans que cette proposition puisse porter atteinte aux droits de Sa Majesté Impériale, si elle n'est pas acceptée, que de part et

d'autre la question de droit strict soit provisoirement écartée, et que tous les différends auxquels a donné lieu le règlement dont il s'agit, s'applanissent par un arrangement amical fondé sur le seul principe des convenances mutuelles et qui serait négocié à St.-Pétersbourg.

L'Empereur se flatte que Sir Charles Bagot ne tardera point à recevoir les pouvoirs et les instructions nécessaires à cet effet, et que la proposition du soussigné achèvera de démontrer au Gouvernement de Sa Majesté Britannique combien Sa Majesté Impériale souhaite qu'aucune divergence d'opinion ne puisse subsister entre la Russie et la Grande-Bretagne, et que le plus parfait accord continue de présider à leurs relations.

Le soussigné, etc.,

LIEVEN.

LONDRES, *le 19 (31) janvier 1823.*

[Inclosure 10.]

Mr. G. Canning to Sir C. Bagot.

No. 1.] FOREIGN OFFICE, *February 5, 1823.*

SIR: With respect to my dispatch No. 5 of the 31st December last, transmitting to your excellency the copy of an instruction addressed to the Duke of Wellington, as well as a dispatch from his grace dated Verona, the 29th November last, both upon the subject of the Russian ukase of September, 1821, I have now to inclose to your excellency the copy of a note which has been addressed to me by Count Lieven, expressing His Imperial Majesty's wish to enter into some amicable arrangement for bringing this subject to a satisfactory termination, and requesting that your excellency may be furnished with the necessary powers to enter into negotiations for that purpose with His Imperial Majesty's ministers at St. Petersburg.

I avail myself of the opportunity of a Russian courier (of whose departure Count Lieven has only just apprised me) to send this note to your excellency, and to desire that your excellency will proceed to open the discussion with the Russian Minister upon the basis of the instruction to the Duke of Wellington.

I will not fail to transmit to your excellency full powers for the conclusion of an agreement upon this subject, by a messenger whom I will dispatch to you as soon as I shall have collected any further information which it may be expedient to furnish to your excellency, or to found any further instruction upon that may be necessary for your guidance in this important negotiation.

I am, etc.,

GEO. CANNING.

[Inclosure 11.]

Mr. Lyall to Mr. G. Canning.—(Received November 24.)

SHIPOWNERS' SOCIETY, NEW BROAD STREET, *November 19, 1823.*

SIR: In the month of June last you were pleased to honor me with an interview on the subject of the Russian ukase prohibiting foreign vessels from touching at or approaching the Russian establishments along the northwest coast of America therein mentioned, when you had the goodness to inform me that a representation had been made to that Government, and that you had reason to believe that the ukase would not be acted upon; and very shortly after this communication I was informed, on what I considered undoubted authority, that the Russian Government had consented to withdraw that unfounded pretension.

The committee of this society being about to make their annual report to the shipowners at large, it would be satisfactory to them to be able to state therein that official advices have been received from St. Petersburg that the ukase had been annulled; and should this be the case, I have to express the hope of the committee to be favored with a communication from you to that effect.

I have, etc.,

GEORGE LYALL,
Chairman of Shipowners' Committee.

[Inclosure 12.]

Lord F. Conyngham to Mr. Lyall.

FOREIGN OFFICE, *November 26, 1823.*

SIR: I am directed by Mr. Secretary Canning to acknowledge the receipt of your letter of the 19th instant, expressing a hope that the ukase of September, 1821, had been annulled.

Mr. Canning can not authorize me to state to you in distinct terms that the ukase has been annulled, because the negotiation to which it gave rise is still pending, embracing as it does many points of great intricacy as well as importance.

But I am directed by Mr. Canning to acquaint you that orders have been sent out by the court of St. Petersburg to their naval commanders calculated to prevent any collision between Russian ships and those of other nations, and in effect suspending the ukase of September, 1821.

I am, etc.,

F. CONYNGHAM.

[Inclosure 13.—Extract.]

Mr. G. Canning to Sir C. Bagot.

FOREIGN OFFICE, *January 20, 1824.*

A long period has elapsed since I gave your excellency reason to expect additional instructions for your conduct in the negotiation respecting the Russian ukase of 1821.

That expectation was held out in the belief that I should have to instruct you to combine your proceedings with those of the American minister, and the framing such instructions was, of necessity, delayed until Mr. Rush should be in possession of the intentions of his Government upon the subject.

* * * * * * *

It remains, therefore, only for me to direct your excellency to resume your negotiation with the court of St. Petersburg at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavor to bring it as speedily as possible to an amicable and honorable conclusion.

The questions at issue between Great Britain and Russia are short and simple. The Russian ukase contains two objectionable pretensions: first, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion.

As to the first, the disavowal of Russia is, in substance, all that we could desire. Nothing remains for negotiation on that head but to clothe that disavowal in precise and satisfactory terms. We would much rather that those terms should be suggested by Russia herself than have the air of pretending to dictate them. You will, therefore, request Count Nesselrode to furnish you with his notion of such a declaration on this point as may be satisfactory to your Government. That declaration may be made the preamble of the convention of limits.

* * * * * * *

[Inclosure 14.—Extract.]

Mr. G. Canning to Sir C. Bagot.

No. 29.] FOREIGN OFFICE, *July 21, 1824.*

The "projet" of a convention which is inclosed in my No. 26 having been communicated by me to Count Lieven, with a request that his excellency would note any points in it upon which he conceived any difficulty likely to arise, or any explanation to be necessary, I have received from his excellency the memorandum, a copy of which is herewith inclosed.

Your excellency will observe that there are but two points which have struck Count Lieven as susceptible of any question; the first, the assumption of the base of the mountains, instead of the summit, as the line of boundary; the second the extension of the right of navigation of the Pacific to the sea beyond Behring Straits.

As to the second point, it is perhaps, as Count Lieven remarks, new. But it is to be remarked, in return, that the circumstances under which this additional security is required will be new also.

By the territorial demarcation agreed to in this "projet" Russia will become possessed, in acknowledged sovereignty, of both sides of Bering Straits.

The power which could think of making the Pacific a *mare clausum* may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores, of which it becomes the undisputed owner. But the shutting up of Behring Straits, or the power to shut them up hereafter, would be a thing not to be tolerated by England.

Nor could we submit to be excluded, either positively or constructively, from a sea in which the skill and science of our seamen has been and is still employed in enterprises interesting not to this country alone but the whole civilized world.

The protection given by the convention to the American coasts of each power may (if it is thought necessary) be extended in terms to the coasts of the Russian Asiatic territory; but in some way or other, if not in the form now presented, the free navigation of Behring Straits, and of the seas beyond them, must be secured to us.

[Inclosure 15.—Extract.]

Mr. G. Canning to Mr. S. Canning.

No. 1.] FOREIGN OFFICE, *December 8, 1824.*

His Majesty having been graciously pleased to name you his plenipotentiary for concluding and signing with the Russian Government a convention for terminating the discussions which have arisen out of the promulgation of the Russian ukase of 1821, and for settling the respective territorial claims of Great Britain and Russia on the northwest coast of America, I have received His Majesty's commands to direct you to repair to St. Petersburg for that purpose, and to furnish you with the necessary instructions for terminating the long-protracted negotiation.

The correspondence which has already passed upon this subject has been submitted to your perusal. And I inclose you a copy—

1. Of the "projet" which Sir Charles Bagot was authorized to conclude and sign some months ago, and which we had every reason to expect would have been entirely satisfactory to the Russian Government.

2. Of a "contre-projet" drawn up by the Russian plenipotentiaries, and presented to Sir Charles Bagot at their last meeting before Sir Charles Bagot's departure from St. Petersburg.

3. Of a dispatch from Count Nesselrode, accompanying the transmission of the "contre-projet" to Count Lieven.

In that dispatch, and in certain marginal annotations upon the copy of the "projet," are assigned the reasons of the alterations proposed by the Russian plenipotentiaries.

In considering the expediency of admitting or rejecting the proposed alterations, it will be convenient to follow the articles of the treaty in the order in which they stand in the English "projet."

You will observe in the first place that it is proposed by the Russian plenipotentiaries entirely to change that order, and to transfer to the latter part of the instrument the article which has hitherto stood first in the "projet."

To that transposition we can not agree, for the very reason which Count Nesselrode alleges in favor of it, viz, that the "economie," or arrangement of the treaty, ought to have reference to the history of the negotiation.

The whole negotiation grows out of the ukase of 1821.

So entirely and absolutely true is this proposition, that the settlement of the limits of the respective possessions of Great Britain and Russia on the northwest coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the ukase, by enabling the court of Russia, under cover of the more comprehensive arrangements, to withdraw, with less appearance of concession, the offensive pretensions of that edict.

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession on the continent of America, but the pretensions of the Russian ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.

You will therefore take care, in the first instance, to repress any attempt to give this change to the character of the negotiation, and will declare without reserve that the point to which alone the solicitude of the British Government and the jealousy of the British nation may attach any great importance is the doing away (in a manner as little disagreeable to Russia as possible), of the effect of the ukase of 1821.

That this ukase is not acted upon, and that instructions have been long ago sent by the Russian Government to their cruisers in the Pacific to suspend the execution of its provisions, is true, but a private disavowal of a published claim is no security against the revival of that claim. The suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself, and when we have seen in the course of this negotiation that the Russian claim to the possession of the coast of America down to latitude 59° rests, in fact, on no other ground than the presumed acquiescence of the nations of Europe in the provisions of a ukase published by the Emperor Paul in the year 1800, against which it is affirmed that no public remonstrance was made, it becomes us to be exceedingly careful that we do not, by a similar neglect on the present occasion, allow a similar presumption to be raised as to an acquiescence in the ukase of 1821.

The right of the subjects of His Majesty to navigate freely in the Pacific can not be held as matter of indulgence from any power. Having once been publicly questioned, it must be publicly acknowledged.

We do not desire that any distinct reference should be made to the ukase of 1821, but we do feel it necessary that the statement of our right should be clear and positive, and that it should stand forth in the convention in the place which properly belongs to it as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the front of the convention concluded between Russia and the United States of America, and we see no reason why, upon similar claims, we should not obtain exactly the like satisfaction.

For reasons of the same nature we can not consent that the liberty of navigation through Bering's Straits should be stated in the treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf and on that of the whole civilized world, protest.

No specification of this sort is found in the convention with the United States of America; and yet it can not be doubted that the Americans consider themselves as secured in the right of navigating Behring Straits and the sea beyond them.

It can not be expected that England should receive as a boon that which the United States hold as a right so unquestionable as not to be worth recording.

Perhaps the simplest course, after all, will be to substitute, for all that part of the "Projet" and "Contre-Projet" which relates to maritime rights, and to navigation, the first two articles of the convention already concluded by the court of St. Petersburg with the United States of America, in the order in which they stand in that convention.

Russia can not mean to give to the United States of America what she withholds from us, nor to withhold from us anything that she has consented to give to the United States.

The uniformity of stipulation *in pari materia* gives clearness and force to both arrangements, and will establish that footing of equality between the several contracting parties which it is most desirable should exist between three powers whose interests come so nearly in contact with each other in a part of the globe in which no other power is concerned.

This, therefore, is what I am to instruct you to propose at once to the Russian minister as cutting short an otherwise inconvenient discussion.

This expedient will dispose of Article I of the "Projet," and of Articles V and VI of the "Contre-Projet."

The next articles relate to the territorial demarcation.

* * * * * * *

With regard to the port of Sitka, or New Archangel, the offer came originally from Russia, but we are not disposed to object to the restriction which she now applies to it.

We are content that the port shall be open to us for ten years, provided only that if any other nation obtains a more extended term, the like term shall be extended to us also.

We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories, which stipulation may be best stated precisely in the terms of Article IV of the American convention.

These, I think, are the only points in which alterations are required by Russia, and we have no other to propose.

A "Projet," such as it will stand according the observations of this dispatch, is inclosed, which you will understand as furnished to you as a guide for the drawing up of the convention; but not as prescribing the precise form of words, nor fettering your discretion as to any alterations, not varying from the substance of these instructions.

It will, of course, strike the Russian plenipotentiaries that by the adoption of the American article respecting navigation, etc., the provision for an exclusive fishery of two leagues from the coasts of our respective possessions falls to the ground.

But the omission is, in truth, immaterial. The law of nations assigns the exclusive sovereignty of *one* league to each power off its own coasts, without any specific stipulation, and though Sir Charles Bagot was authorized to sign the convention with the specific stipulation of two leagues, in ignorance of what had been decided in the American convention at the time, yet, after that convention has been some months before the world, and after the opportunity of reconsideration has been forced upon us by the act of Russia herself, we can not now consent, in negotiating *de novo*, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contract between the United States and us to our disadvantage.

Count Nesselrode himself has frankly admitted that it was natural that we should expect, and reasonable that we should receive, at the hands of Russia, equal measure in all respects with the United States of America.

It remains only, in recapitulation, to remind you of the origin and principles of this whole negotiation.

It is not, on our part, essentially a negotiation about limits. It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

We negotiate about territory to cover the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility we must oppose.

If the present "Projet" is agreeable to Russia we are ready to conclude and sign the treaty. If the territorial arrangements are not satisfactory we are ready to postpone them and to conclude and sign the essential part—that which relates to navigation alone, adding an article stipulating to negotiate about territorial limits hereafter.

But we are not prepared to defer any longer the settlement of that essential part of the question; and if Russia will neither sign the whole convention nor that essential part of it, she must not take it amiss that we resort to some mode of recording, in the face of the world, our protest against the pretensions of the ukase of 1821, and of effectually securing our own interests against the possibility of its future operations.

[Inclosure 16.]

Mr. S. Canning to Mr. G. Canning. (Received March 21.)

No. 15.] ST. PETERSBURG, *February 17 (March 1), 1825.*

SIR: By the messenger Latchford I have the honor to send you the accompanying convention between His Majesty and the Emperor of Russia respecting the Pacific Ocean and Northwest Coast of America, which, according to your instructions, I concluded and signed last night with the Russian plenipotentiaries.

The alterations which, at their instance, I have admitted into the "Projet," such as I presented it to them at first, will be found, I conceive, to be in strict conformity with the spirit and substance of His Majesty's commands. The order of the two main subjects of our negotiation, as stated in the preamble of the convention, is preserved in the articles of that instrument. The line of demarcation along the strip of land on the northwest coast of America, assigned to Russia, is laid down in the convention agreeably to your directions, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the articles, by the Russian plenipotentiaries.

The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiation to a satisfactory and prompt conclusion is the division of the third article of the new "Projet," as it stood when I gave it in, into the third, fourth, and fifth articles of the convention signed by the plenipotentiaries.

This change was suggested by the Russian plenipotentiaries, and at first it was suggested in a shape which appeared to me objectionable; but the articles, as they are now drawn up, I humbly conceive to be such as will not meet with your disapprobation. The second paragraph of the fourth article had already appeared parenthetically in the third article of the "Projet," and the whole of the fourth article is limited in its signification and connected with the article immediately preceding it by the first paragraph.

With respect to Behring Strait, I am happy to have it in my power to assure you, on the joint authority of the Russian plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits or of the seas to the north of them.

It can not be necessary, under these circumstances, to trouble you with a more particular account of the several conferences which I have held with the Russian plenipotentiaries, and it is but justice to state that I have found them disposed, throughout this latter stage of the negotiation, to treat the matters under discussion with fairness and liberality

As two originals of the convention prepared for His Majesty's Government are signed by the plenipotentiaries, I propose to leave one of them with Mr. Ward for the archives of the embassy.

I have, etc.,

STRATFORD CANNING.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 17, 1890.

SIR: Your note of August 12, which I acknowledged on the 1st of September, inclosed a copy of a dispatch from the Marquis of Salisbury, dated August 2, in reply to my note of June 30.

The considerations advanced by his lordship have received the careful attention of the President, and I am instructed to insist upon the correctness and validity of the position which has been earnestly advocated by the Government of the United States, in defense of American rights in the Behring Sea.

Legal and diplomatic questions, apparently complicated, are often found, after prolonged discussion, to depend on the settlement of a single point. Such, in the judgment of the President, is the position in which the United States and Great Britain find themselves in the pending controversy touching the true construction of the Russo-American and Anglo-Russian treaties of 1824 and 1825. Great Britain contends that the phrase "Pacific Ocean," as used in the treaties, was intended to include, and does include, the body of water which is now known as the Behring Sea. The United States contends that the Behring Sea was not mentioned, or even referred to, in either treaty, and was in no sense included in the phrase "Pacific Ocean." If Great Britain can maintain her position that the Behring Sea at the time of the treaties with Russia of 1824 and 1825 was included in the Pacific Ocean, the Government of the United States has no well-grounded complaint against her. If, on the other hand, this Government can prove beyond all doubt that the Behring Sea, at the date of the treaties, was understood by the three signatory Powers to be a separate body of water, and was not included in the phrase "Pacific Ocean," then the American case against Great Britain is complete and undeniable.

The dispute prominently involves the meaning of the phrase "Northwest Coast," or "Northwest Coast of America." Lord Salisbury assumes that the "Northwest Coast" has but one meaning, and that it includes the whole coast stretching northward to the Behring Straits. The contention of this Government is that by long prescription the "Northwest Coast" means the coast of the Pacific Ocean, south of the Alaskan Peninsula, or south of the sixtieth parallel of north latitude; or, to define it still more accurately, the coast, from the northern border of the Spanish possessions, ceded to the United States in 1819, to the point where the Spanish claims met the claims of Russia, viz, from 42° to 60° north latitude. The Russian authorities for a long time assumed that 59° 30′

was the exact point of latitude, but subsequent adjustments fixed it at 60°. The phrase "Northwest Coast," or "Northwest Coast of America," has been well known and widely recognized in popular usage in England and America from the date of the first trading to that coast, about 1784.[1] So absolute has been this prescription that the distinguished historian Hubert Howe Bancroft has written an accurate history of the Northwest Coast, which, at different times, during a period of seventy-five years, was the scene of important contests between at least four great powers. To render the understanding explicit, Mr. Bancroft has illustrated the Northwest Coast by a carefully prepared map. The map will be found to include precisely the area which has been steadily maintained by this Government in the pending discussion. (For map, see opposite page.)[2]

The phrase "Northwest Coast of America" has not infrequently been used simply as the synonym of the "Northwest Coast," but it has also been used in another sense as including the American coast of the Russian possessions as far northward as the straits of Behring. Confusion has sometimes arisen in the use of the phrase "Northwest Coast of America," but the true meaning can always be determined by reference to the context.

The treaty between the United States and Russia was concluded on the 17th of April, 1824, and that between Great Britain and Russia was concluded February 28, 1825. The full and accurate text of both treaties will be found in inclosure A. The treaty between the United States and Russia is first in the order of time, but I shall consider both treaties together. I quote the first article of each treaty, for, to all intents and purposes, they are identical in meaning, though differing somewhat in phrase.

The first article in the American treaty is as follows:

ARTICLE I. It is agreed that, in any part of the great ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

The first article in the British treaty is as follows:

ARTICLE I. It is agreed that the respective subjects of the high contracting parties shall not be troubled or molested, in any part of the ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following articles.

Lord Salisbury contends that—

The Russian Government had no idea of any distinction between Behring Sea and the Pacific Ocean, which latter they considered as reaching southward from Behring Straits. Nor throughout the whole of the subsequent correspondence is there any reference whatever on either side to any distinctive name for Behring's Sea, or any intimation that it could be considered otherwise than as forming an integral part of the Pacific Ocean.

The Government of the United States cordially agrees with Lord Salisbury's statement that throughout the whole correspondence connected with the formation of the treaties there was no reference whatever by either side to any distinctive name for Behring Sea, and for the very simple reason which I have already indicated, that the negotiation had no reference whatever to the Behring Sea, but was entirely confined

[1] The same designation obtained in Europe. As early as 1803, in a map published by the Geographic Institute at Weimar, the coast from Columbia River (49°) to Cape Elizabeth (60°) is designated as the "*Nord West Kuste.*"

[2] For map see House Ex. Doc. No. 144, Fifty-first Congress, second session, p. 23.

to a "strip of land" on the Northwest coast and the waters of the Pacific Ocean adjacent thereto. For future reference I call special attention to the phrase "strip of land."

I venture to remind Lord Salisbury of the fact that Behring Sea was, at the time referred to, the recognized name in some quarters, and so appeared on many authentic maps several years before the treaties were negotiated. But, as I mentioned in my note of June 30, the same sea had been presented as a body of water separate from the Pacific Ocean for a long period prior to 1825. Many names had been applied to it, but the one most frequently used and most widely recognized was the Sea of Kamchatka. English statesmen of the period when the treaties were negotiated had complete knowledge of all the geographical points involved. They knew that on the map published in 1784 to illustrate the voyages of the most eminent English navigator of the eighteenth century the "Sea of Kamchatka" appeared in absolute contradistinction to the "Great South Sea" or the Pacific Ocean. And the map, as shown by the words on its margin, was "prepared by Lieut. Henry Roberts under the immediate inspection of Captain Cook."

Twenty years before Captain Cook's map appeared, the London Magazine contained a map on which the Sea of Kamchatka was conspicuously engraved. At a still earlier date—even as far back as 1732—Gvosdef, surveyor of the Russian expedition of Shestakof in 1730 (who, even before Behring, sighted the land of the American continent), published the sea as bearing the name of Kamchatka. Muller, who was historian and geographer of the second expedition of Bering in 1741, designated it as the Sea of Kamchatka, in his map published in 1761.

I inclose a list of a large proportion of the most authentic maps published during the ninety years prior to 1825 in Great Britain, in the United States, the Netherlands, France, Spain, Germany, and Russia—in all 105 maps—*on every one of which* the body of water now known as Behring Sea was plainly distinguished by a name separate from the Pacific Ocean. On the great majority it is named the Sea of Kamschatka, a few use the name of Behring, while several other designations are used. The whole number, aggregating, as they did, the opinion of a large part of the civilized world, distinguished the sea, no matter under what name, as altogether separate from the Pacific Ocean. (See inclosure B.)

Is it possible, that with this great cloud of witnesses before the eyes of Mr. Adams and Mr. George Canning, attesting the existence of the Sea of Kamchatka, they would simply include it in the phrase "Pacific Ocean" and make no allusion whatever to it as a separate sea, when it was known by almost every educated man in Europe and America to have been so designated numberless times? Is it possible that Mr. Canning and Mr. Adams, both educated in the common law, could believe that they were acquiring for the United States and Great Britain the enormous rights inherent in the Sea of Kamchatka without the slightest reference to that sea or without any description of its metes and bounds, when neither of them would have paid for a village house lot unless the deed for it should recite every fact and feature necessary for the identification of the lot against any other piece of ground on the surface of the globe. When we contemplate the minute particularity, the tedious verbiage, the duplications and the reduplications employed to secure unmistakable plainness in framing treaties, it is impossible to conceive that a fact of this great magnitude could have been omitted from the instructions written by Mr. Adams and Mr. G. Canning, as secretaries for foreign affairs in their respective countries—impossible

that such a fact could have escaped the notice of Mr. Middleton and Count Nesselrode, of Mr. Stratford Canning and Mr. Poletica, who were the negotiators of the two treaties. It is impossible, that in the Anglo-Russian treaty Count Nesselrode, Mr. Stratford Canning, and Mr. Poletica could have taken sixteen lines to recite the titles and honors they had received from their respective sovereigns, and not even suggest the insertion of one line, or even word, to secure so valuable a grant to England as the full freedom of the Behring Sea.

There is another argument of great weight against the assumption of Lord Salisbury that the phrase "Pacific Ocean," as used in the first article of both the American and British treaties, was intended to include the waters of the Behring Sea. It is true that by the treaties with the United States and Great Britain, Russia practically withdrew the operation of the Ukase of 1821 from the waters of the Northwest Coast on the Pacific Ocean, but the proof is conclusive that it was left in full force over the waters of the Behring Sea. Lord Salisbury can not have ascertained the value of the Behring Sea to Russia, when he assumed that in the treaties of 1824 and 1825 the Imperial Government had, by mere inclusion in another phrase, with apparent carelessness, thrown open all the resources and all the wealth of those waters to the citizens of the United States and to the subjects of Great Britain.

Lord Salisbury has perhaps not thought it worth while to make any examination of the money value of Alaska and the waters of the Bering Sea at the time the treaties were negotiated and in the succeeding years. The first period of the Russian American Company's operations had closed before the Ukase of 1821 was issued. Its affairs were kept secret for a long time, but are now accurately known. The money advanced for the capital stock of the company at its opening in 1799 amounted to 1,238,746 rubles. The gross sales of furs and skins by the company at Kodiak and Canton from that date up to 1820 amounted to 20,024,698 rubles. The net profit was 7,685,000 rubles for the twenty-one years—over 620 per cent for the whole period, or nearly 30 per cent per annum.

Reviewing these facts, Bancroft, in his "History of Alaska," a standard work of exhaustive research, says:

> We find this powerful *monopoly* firmly established in the favor of the Imperial Government, many nobles of high rank and several members of the Royal family being among the shareholders.

And yet Lord Salisbury evidently supposes that a large amount of wealth was carelessly thrown away by the Royal family, the nobles, the courtiers, the capitalists, and the speculators of St. Petersburg in a phrase which merged the Behring Sea in the Pacific Ocean. That it was not thrown away is shown by the transactions of the company for the next twenty years!

The second period of the Russian American Company began in 1821 and ended in 1841. Within that time the gross revenues of the company exceeded 61,000,000 rubles. Besides paying all expenses and all taxes, the company largely increased the original capital and divided 8,500,000 rubles among the shareholders. These dividends and the increase of the stock showed a profit on the original capital of 55 per cent per annum for the whole twenty years—a great increase over the first period. It must not be forgotten that during sixteen of these twenty years of constantly increasing profits, the treaties, which, according to Lord Salisbury, gave to Great Britain and the United States equal rights with Russia in the Behring Sea, were in full force.

The proceedings which took place when the second period of the

Russian American Company was at an end are thus described in Bancroft's "History of Alaska:"

* * * "In the variety and extent of its operations," declare the members of the Imperial Council, "no other company can compare with it. In addition to a commercial and industrial monopoly, the Government has invested it with a portion of its own powers in governing the vast and distant territory over which it now holds control. A change in this system would now be of doubtful benefit. *To open our ports to all hunters promiscuously would be a death blow to the fur trade*, while the Government, having transferred to the company the control of the colonies, could not now resume it without great expense and trouble, and would have to create new financial resources for such a purpose."

The Imperial Council, it will be seen, did not hesitate to call the Russian American Company *a monopoly*, which it could not have been if Lord Salisbury's construction of the treaty was correct. Nor did the Council feel any doubt that to open the ports of the Behring Sea "to all hunters promiscuously would be a death blow to the fur trade."

Bancroft says further:

* * * This opinion of the Imperial Council, together with a charter defining the privileges and duties of the company, was delivered to the Czar and received his signature on the 11th of October, 1844. The new charter did not differ in its main features from that of 1821, though the boundary was, of course, changed in accordance with the English and American treaties. None of the company's rights were curtailed, and the additional privileges were granted of trading with certain ports in China and of shipping tea direct from China to St. Petersburg.

The Russia American Company was thus chartered for a third period of twenty years, and at the end of the time it was found that the gross receipts amounted to 75,770,000 rubles, a minor part of it from the tea trade. The expenses of administration were very large. The shareholders received dividends to the amount of 10,210,000 rubles—about 900 per cent for the whole period, or 45 per cent per annum on the original capital. At the time the third period closed, in 1862, the Russian Government saw an opportunity to sell Alaska, and refused to continue the charter of the company. Agents of the United States had initiated negotiations for the transfer of Alaska as early as 1859. The company continued, practically, however, to exercise its monopoly until 1867, when Alaska was sold by Russia to the United States. The enormous profits of the Russian American Company in the fur trade of the Behring Sea continued under the Russian flag for more than forty years after the treaties of 1824 and 1825 had been concluded. And yet Lord Salisbury contends that during this long period of exceptional profits from the fur trade Great Britain and the United States had as good a right as Russia to take part in these highly lucrative ventures.

American and English ships in goodly numbers during this whole period annually visited and traded on the Northwest Coast on the Pacific Ocean. And yet, of all these vessels of the United States and Great Britain, not one ever sought to disturb the fur fisheries of the Bering Sea or along its coasts, either of the continent or of the islands. So far as known, it is believed that neither American nor English ships ever attempted to take one fur-seal at the Pribilof Islands or in the open waters of the Behring Sea during that period. The 100 mile limit was for the preservation of all these fur animals, and this limit was observed for that purpose by all the maritime nations that sent vessels to the Behring waters.

Can anyone believe it to be possible that the maritime, adventurous, gain-loving people of the United States and of Great Britain could have had such an inviting field open to them for forty years and yet not one ship of either nation enter the Behring Sea to compete with the Rus-

sian American Company for the inordinate profits which had flowed so steadily and for so long a period into their treasury from the fur trade? The fact that the ships of both nations refrained, during that long period, from taking a single fur seal inside the shores of that sea is a presumption of their lack of right and their recognized disability so strong that, independently of all other arguments, it requires the most authentic and convincing evidence to rebut it. That English ships did not enter the Behring Sea to take part in the catching of seals is not all that can be said. Her acquiescence in Russia's power over the seal fisheries was so complete that during the forty years of Russia's supremacy in the Behring Sea (that followed the treaties of 1824–'25) it is not believed that Great Britain even made a protest, verbal or written, against what Bancroft describes as the "Russian monopoly."

A certain degree of confusion and disorganization in the form of the government that had existed in Alaska was the inevitable accompaniment of the transfer of sovereignty to the United States. The American title was not made complete until the money, specified as the price in the treaty, had been appropriated by Congress and paid to the Russian minister by the Executive Department of the Government of the United States. This was effected in the latter half of the year 1868. The acquired sovereignty of Alaska carried with it by treaty "all the rights, franchises, and privileges" which had belonged to Russia. A little more than a year after the acquisition, the United States transferred certain rights to the Alaska Commercial Company over the seal fisheries of Behring Sea for a period of twenty years. Russia had given the same rights (besides rights of still larger scope) to the Russian American Company for three periods of twenty years each, without a protest from the British Government, without a single interference from British ships. For these reasons this Government again insists that Great Britain and the United States recognized, respected, and obeyed the authority of Russia in the Behring Sea; and did it for more than forty years after the treaties with Russia were negotiated. It still remains for England to explain why she persistently violates the same rights when transferred to the ownership of the United States.

The second article of the American treaty is as follows:

ARTICLE II. With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast.

The second article of the British treaty is as follows:

ARTICLE II. In order to prevent the right of navigation and fishing, exercised upon the ocean by the subjects of the High Contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment, without the permission of the governor or commandant; and, on the the other hand, the Russian subjects shall not land, without permission, at any British establishment on the Northwest Coast.

In the second articles of the treaties it is recognized that both the United States and Great Britain have establishments on the "Northwest Coast," and, as neither country ever claimed any territory north of the sixtieth pararell of latitude, we necessarily have the meaning of the Northwest Coast significantly defined in exact accordance with the American contention.

An argument, altogether historical in its character, is of great and, I

think, conclusive force touching this question. It will be remembered that the treaty of October 20, 1818, between the United States and Great Britain, comprised a variety of topics, among others, in article 3, the following:

> It is agreed, that any country that may be claimed by either party on the Northwest Coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being understood that this agreement is not to be construed to the prejudice of any claim which either of the two High Contracting Parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the High Contracting Parties, in that respect, being to prevent disputes and differences amongst themselves.

While this article placed upon a common basis for ten years the rights of Great Britain and America on the Northwest Coast, it made no adjustment of the claims of Russia on the north, or of Spain on the south, which are referred to in the article as "any other power or state." Russia had claimed down to latitude 55° under the ukase of 1799. Spain had claimed indefinitely northward from the forty-second parallel of latitude. But all the Spanish claims had been transferred to the United States by the treaty of 1819, and Russia had been so quiet until the ukase of 1821 that no conflict was feared. But after that ukase a settlement, either permanent or temporary, was imperatively demanded.

The proposition made by Mr. Adams which I now quote shows, I think, beyond all doubt, that the dispute was wholly touching the Northwest Coast on the Pacific Ocean. I make the following quotation from Mr. Adams' instruction to Mr. Middleton, our minister at St. Petersburg, on the 22d of July, 1823:

> By the treaty of the 22d of February, 1819, with Spain, the United States acquired all the rights of Spain north of latitude 42°; and by the third article of the convention between the United States and Great Britain of the 20th of October, 1818, it was agreed that any country that might be claimed by either party on the Northwest Coast of America, westward of the Stony Mountains, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from that date, to the vessels, citizens, and subjects of the two powers, without prejudice to the claims of either party or of any other state.
>
> *You are authorized to propose an article of the same import for a term of ten years from the signature of a joint convention between the United States, Great Britain, and Russia.*

Instructions of the same purport were sent by the same mail to Mr. Rush, our minister at London, in order that the proposition should be completely understood by each of the three Powers. The confident presumption was that this proposition would, as a temporary settlement, be acceptable to all parties. But before there was time for full consideration of the proposition, either by Russia or Great Britain, President Monroe, in December, 1823, proclaimed his famous doctrine of excluding future European colonies from this continent. Its effect on all European nations holding unsettled or disputed claims to territory, was to create a desire for prompt settlement, so that each Power could be assured of its own, without the trouble or cost of further defending it. Great Britain was already entangled with the United States on the southern side of her claims on the Northwest Coast. That agreement she must adhere to, but she was wholly unwilling to postpone a definite understanding with Russia as to the northern limit of her claims on the Northwest Coast. Hence a permanent treaty was desired, and in both treaties the "ten-year" feature was recognized—in the seventh article of the British treaty and in the fourth article of the American treaty. But neither in the correspondence nor in the personal conferences that

brought about the agreement, was there a single hint that the settlement was to include anything else whatever than the Northwest Coast on the Pacific Ocean, south of the sixtieth parallel of north latitude.

Fortunately, however, it is not necessary for the United States to rely on this suggestive definition of the Northwest Coast, or upon the historical facts above given. It is easy to prove from other sources that in the treaty between the United States and Russia the coast referred to was that which I have defined as the "Northwest Coast" on the Pacific Ocean south of 60° north latitude, or, as the Russians for a long time believed it, 59° 30′. We have in the Department of State the originals of the protocols between our minister at St. Petersburg, Mr. Henry Middleton, and Count Nesselrode, of Russia, who negotiated the treaty of 1824. I quote, as I have quoted in my note of June 30, a memorandum submitted to Count Nesselrode by Mr. Middleton as part of the fourth protocol:

Now, it is clear, according to the facts established, that neither Russia nor any other European power has the right of dominion upon the continent of America between the fiftieth and sixtieth degrees of north latitude.

Still less has she the dominion of the adjacent maritime territory, or of the sea which washes these coasts, a dominion which is only accessory to the territory dominion.

Therefore, she has not the right of exclusion or of admission on these coasts, nor in these seas, which are free seas.

The right of navigating all the free seas belongs, by natural law, to every independent nation, and even constitutes an essential part of this independence.

The United States have exercised navigation in the seas, and commerce upon the coasts above mentioned, from the time of their independence; and they have a perfect right to this navigation and to this commerce, and they can only be deprived of it by their own act or by a convention.

Mr. Middleton declares that Russia had not the right of dominion "*upon the continent of America between the fiftieth and sixtieth degrees of north latitude.*" Still less has she the dominion of "the adjacent maritime territory or the *sea which washes these coasts.*" He further declares that Russia had not the "right of exclusion or of admission on *these* coasts, nor in *these* seas, *which are free seas*"—that is, the coasts and seas between the fiftieth and sixtieth degrees of north latitude *on the body of the continent.*

The following remark of Mr. Middleton deserves special attention:

The right of navigating all the *free seas* belongs, by natural law, to every independent nation, and even constitutes an essential part of this independence.

This earnest protest by Mr. Middleton, it will be noted, was against the ukase of Alexander, which proposed to extend Russian sovereignty over the Pacific Ocean as far south as the fifty-first degree of latitude, at which point, as Mr. Adams reminded the Russian Minister, that ocean is 4,000 miles wide. It is also to be specially noted that Mr. Middleton's double reference to "the free seas" would have no meaning whatever if he did not recognize that freedom on certain seas had been restricted. He could not have used the phrase if he had regarded all seas in that region as "free seas."

In answer to my former reference to these facts (in my note of June 30), Lord Salisbury makes this plea:

Mr. Blaine states that when Mr. Middleton declared that Russia had no right of exclusion on the coasts of America between the fiftieth and sixtieth degrees of north latitude, nor in the seas which washed those coasts, he intended to make a distinction between Behring's Sea and the Pacific Ocean. But on reference to a map it will be seen that the sixtieth degree of north latitude strikes straight across Behring's Sea, leaving by far the larger and more important part of it to the south; so that I confess it appears to me that by no conceivable construction of his words can Mr. Middleton be supposed to have excepted that sea from those which he declared to be free.

If His Lordship had examined his map somewhat more closely, he would have found my statement literally correct. When Mr. Middleton referred to "the continent of America between the fiftieth and sixtieth degrees of north latitude," it was impossible that he could have referred to the coast of Behring Sea, for the very simple reason that the fiftieth degree of latitude is altogether south of the Bering Sea. The fact that the sixtieth parallel "strikes straight across the Bering Sea" has no more pertinence to this discussion than if His Lordship had remarked that the same parallel passes through the Sea of Okhotsk, which lies to the west of Behring Sea, just as the arm of the North Pacific lies to the east of it. Mr. Middleton was denying Russia's dominion upon a continuous line of coast upon the continent between two specified points and over the waters washing that coast. There is such a continuous line of coast between the fiftieth and sixtieth degrees on the Pacific Ocean; but there is no such line of coast on the Bering Seas, even if you measure from the southernmost island of the Aleutian chain. In a word, the argument of Lord Salisbury on this point is based upon a geographical impossibility. (See illustrative map on opposite page.)[1]

But, if there could be any doubt left as to what coast and to what waters Mr. Middleton referred, an analysis of the last paragraph of the fourth protocol will dispel that doubt. When Mr. Middleton declared that "*the United States have exercised navigation in the seas, and commerce upon the coasts, above mentioned, from the time of their independence*," he makes the same declaration that had been previously made by Mr. Adams. That declaration could only refer to the Northwest Coast as I have described it, or, as Mr. Middleton phrases it, "the continent of America between the fiftieth and sixtieth degrees of north latitude."

Even His Lordship would not dispute the fact that it was upon this coast and in the waters washing it that the United States and Great Britain had exercised free navigation and commerce continuously since 1784. By no possibility could that navigation and commerce have been in the Behring Sea. Mr. Middleton, a close student of history, and experienced in diplomacy, could not have declared that the United States had "exercised navigation" in the Behring Sea, and "commerce upon its coasts," *from the time of their independence*. As a matter of history, there was no trade and no navigation (except the navigation of explorers) by the United States and Great Britain in the Behring Sea in 1784, or even at the time these treaties were negotiated.

Captain Cook's voyage of exploration and discovery through the waters of that sea was completed at the close of the year 1778, and his "Voyage to the Pacific Ocean" was not published in London until five years after his death, which occurred at the Sandwich Islands on the 14th of February, 1779. The Pribilof Islands were first discovered, one in 1786 and the other in 1787. Seals were taken there for a few years afterwards by the Lebedef Company, of Russia, subsequently consolidated into the Russian American Company; but the taking of seals on those islands was then discontinued by the Russians until 1803, when it was resumed by the Russian American Company.

At the time these treaties were negotiated there was only one settlement, and that of Russians, on the shores of the Behring Sea, and the only trading vessels which had entered that sea were the vessels of the Russian Fur Company. Exploring expeditions had, of course, entered.

[1] For map see House Ex. Doc. No. 144, Fifty-first Congress, second session, p. 31.

It is evident, therefore, without further statement, that neither the vessels of the United States nor of Great Britain nor of any other power than Russia had traded on the shores of Behring Sea prior to the negotiations of these treaties. No more convincing proof could be adduced that these treaties had reference solely to the waters and coasts of the continent south of the Alaskan peninsula—simply the "Pacific Ocean" and the "Northwest Coast" named in the treaties.

The third article of the British treaty, as printed in the British State papers, is as follows:

The line of demarcation between the possessions of the high contracting parties upon the coast of the continent, and the islands of America to the northwest, shall be drawn in the manner following:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40′ north latitude, and between the one hundred and thirty-first and the one hundred and thirty-third degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the fifty-sixth degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian); and, finally, from the said point of intersection the said meridian line of the one hundred and forty-first degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and the British possessions on the continent of America to the northwest.

It will be observed that this article explicitly delimits the boundary between British America and the Russian possessions. This delimitation is in minute detail from 54° 40′ to the northern terminus of the coast known as the Northwest Coast. When the boundary line reaches that point (opposite 60° north latitude) where it intersects the one hundred and forty-first degree of west longitude, all particularity of description ceases. From that point it is projected directly northward for 600 or 700 miles without any reference to coast line, without any reference to points of discovery or occupation (for there were none in that interior country), but simply on a longitudinal line as far north as the Frozen or Arctic Ocean.

What more striking interpretation of the treaty could there be than this boundary line itself? It could not be clearer if the British negotiators had been recorded as saying to the Russian negotiators:

"Here is the Northwest Coast to which we have disputed your claims—from the fifty-first to the sixtieth degree of north latitude. We will not, in any event, admit your right south of 54° 40′. From 54° 40′ to the point of junction with the one hundred and forty-first degree of west longitude we will agree to your possession of the coast. That will cover the dispute between us. As to the body of the continent above the point of intersection at the one hundred and forty-first degree of longitude, we know nothing, nor do you. It is a vast unexplored wilderness. We have no settlements there, and you have none. We have, therefore, no conflicting interests with your Government. The simplest division of that territory is to accept the prolongation of the one hundred and forty-first degree of longitude to the Arctic Ocean as the boundary. East of it the territory shall be British. West of it the territory shall be Russian."

And it was so finally settled.

Article 4 of the Anglo-Russian treaty is as follows:

With reference to the line of demarcation laid down in the preceding article it is understood:

First. That the island called Prince of Wales Island shall belong wholly to Russia.

Second. That wherever the summit of the mountains which extend in a direction parallel to the coast, from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by "a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."

The evident design of this article was to make certain and definite the boundary line along the line of coast, should there be any doubt as to that line as laid down in article 3. It provided that the boundary line, following the windings of the coast, should never be more than 10 marine leagues therefrom.

The fifth article of the treaty between Great Britain and Russia reads thus:

It is moreover agreed, that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other. Consequently, British subjects shall not form any establishment either upon the coast, or upon the border of the continent, comprised within the limits of the Russian possessions, as designated in the two preceding articles; and, in like manner, no establishment shall be formed by Russian subjects beyond the said limits.

The plain meaning of this article is that neither party shall make settlements within the limits assigned by the third and fourth articles to the possession of the other. Consequently, the third and fourth articles are of supreme importance as making the actual delimitations between the two countries and forbidding each to form any establishments within the limits of the other.

The sixth article of Russia's treaty with Great Britain is as follows:

It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean or from the interior of the continent, shall forever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course toward the Pacific Ocean, may cross the line of demarcation upon the line of coast described in article 3 of the present convention.

The meaning of this article is not obscure. The subjects of Great Britain, whether arriving from the interior of the continent or from the ocean, shall enjoy the right of navigating freely all the rivers and streams which, in their course to the Pacific Ocean, *may cross the line of demarcation upon the line of coast described in article 3*. As is plainly apparent, the coast referred to in article 3 is the coast south of the point of junction already described. Nothing is clearer than the reason for this provision. A *strip of land*, at no point wider than 10 marine leagues, running along the Pacific Ocean from 54° 40′ to 60° (320 miles by geographical line, by the windings of the coast three times that distance) was assigned to Russia by the third article. Directly to the east of this strip of land, or, as might be said, behind it, lay the British possessions. To shut out the inhabitants of the British possessions from the sea by this *strip of land* would have been not only unreasonable, but intolerable, to Great Britain. Russia promptly conceded the privilege, and gave to Great Britain the right of navigating all rivers crossing that strip of land from 54° 40′ to the point of intersection with the one hundred and forty first degree of longitude. Without this concession the treaty could not have been made. I do not understand that Lord Salisbury dissents from this obvious construction of the sixth article, for, in his dispatch, he says that the article has a "restricted bearing," and refers only to "the *line of coast described* in article 3" (the italics are his own)—and the only line of coast described in article 3 is the coast from 54° 40′ to 60°. There is no descrip-

tion of the coast above that point stretching along the Behring Sea from latitude 60° to the straits of the Bering.

The seventh article of the Anglo-Russian treaty, whose provisions have led to the principal contention between the United States and Great Britain, is as follows:

> It is also understood, that for the space of ten years from the signature of the present convention the vessels of the two powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in article 3, for the purposes of fishing and of trading with the natives.

In the judgment of the President the meaning of this article is altogether plain and clear. It provides that for the space of ten years the vessels of the two powers should *mutually* be at liberty to frequent all the inland seas, etc., "*on the coast mentioned in article 3, for the purpose of fishing and trading with the natives.*" Following out the line of my argument and the language of the article, I have already maintained that this privilege could only refer to the coast from 54° 40′ to the point of intersection with the one hundred and forty-first degree of west longitude, that, therefore, British subjects were not granted the right of frequenting the Bering Sea.

Denying this construction, Lord Salisbury says:

> I must further dissent from Mr. Blaine's interpretation of article 7 of the latter treaty (British). That article gives to the vessels of the two powers "liberty to frequent all the inland seas, gulfs, havens, and creeks on the coast mentioned in article 3, for the purpose of fishing and of trading with the natives." The expression "coast mentioned in article 3" can only refer to the first words of the article, "the line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of America to the northwest shall be drawn," etc.; that is to say, it included all the possessions of the two powers on the Northwest Coast of America. For there would have been no sense whatever in stipulating that Russian vessels should have freedom of access to the small portion of coast which, by a later part of the article, is to belong to Russia. And, as bearing on this point, it will be noticed that article 6, which has a more restricted bearing, speaks only of "the subjects of his Britannic Majesty" and of "the *line of coast described*" in article 3.

It is curious to note the embarrassing intricacies of His Lordship's language and the erroneous assumption upon which his argument is based. He admits that the privileges granted in the sixth article to the subjects of Great Britain are limited to "the coast described in article 3 of the treaty." But when he reaches the seventh article, where the privileges granted are limited to "the coast mentioned in article 3 of the treaty," His Lordship maintains that the two references do not mean the same coast at all. The *coast described* in article 3 and the *coast mentioned* in article 3 are therefore, in His Lordship's judgment, entirely different. The "coast *described* in article 3" is limited, he admits, by the intersection of the boundary line with the one hundred and forty-first degree of longitude, but the "coast *mentioned* in article 3" stretches to the straits of Behring."

The third article is, indeed, a very plain one, and its meaning can not be obscured. Observe that the "line of demarcation" is between the possessions of both parties *on the coast* of the continent. Great Britain had no possessions on the coast line above the point of junction with the one hundred and forty-first degree, nor had she any settlements above 60° north latitude. South of 60° north latitude was the only place where Great Britain had possessions on the coast line. North of that point her territory had no connection whatever with the coast either of the Pacific Ocean or the Behring Sea. It is thus evident that the only *coast* referred to in article 3 was this *strip of land* south of 60° or 59° 30′,

The preamble closes by saying that the line of demarcation between the possessions on the coast "shall be drawn in the manner following," viz: From Prince of Wales Island, in 54° 40′, along Portland Channel and the summit of the mountains parallel to the coast *as far as their intersection with the one hundred and forty-first degree of longitude.* After having *described* this line of demarcation between the possessions of both parties on the coast, the remaining sentence of the article shows that, "finally, from the said point of intersection, the said meridian line * * * shall form *the limit* between the Russian and British possessions *on the continent of America.*" South of the point of intersection the article describes a *line of demarcation* between possessions *on the coast;* north of that point of intersection the article designates a meridian line as *the limit* between possessions *on the continent.* The argument of Lord Salisbury appears to this Government not only to contradict the obvious meaning of the seventh and third articles, but to destroy their logical connection with the other articles. In fact, Lord Salisbury's attempt to make *two* coasts out of the *one* coast referred to in the third article is not only out of harmony, with the plain provisions of the Anglo-Russian treaty, but is inconsistent with the preceding part of his own argument.

These five articles in the British treaty (the third, fourth, fifth, sixth, and seventh) are expressed with an exactness of meaning which no argument can change or pervert. In a later part of my note I shall be able, I think, to explain why the Russian Government elaborated the treaty with Great Britain with greater precision and at greater length than was employed in framing the treaty with the United States. It will be remembered that between the two treaties there was an interval of more than ten months—the treaty with the United States being negotiated in April, 1824, and that with Great Britain in February, 1825. During that interval something occurred which made Russia more careful and more exacting in her negotiations with Great Britain than she had been with the United States. What was it?

It is only necessary to quote the third and fourth articles of the American treaty to prove that less attention was given to their consideration than was given to the formation of the British treaty with Russia. The two articles in the American treaty are as follows:

ART. III. It is moreover agreed that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the Northwest Coast of America, nor in any of the islands adjacent, to the north of 54° 40′ of north latitude; and that in the same manner there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ART. IV. It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

It will be noted that in the British treaty four articles, with critical expression of terms, take the place of the third and fourth articles of the American treaty, which were evidently drafted with an absence of the caution on the part of Russia which marked the work of the Russian plenipotentiaries in the British negotiation.

From some cause, not fully explained, great uneasiness was felt in certain Russian circles, and especially among the members of the Russian-American Company, when the treaty between Russia and the United States was made public. The facts leading to the uneasiness

were not accurately known, and from that cause they were exaggerated. The Russians who were to be affected by the treaty were in doubt as to the possible extent implied by the phrase "Northwest Coast of America," asr eferred to in the third and fourth articles. The phrase, as I have before said, was used in two senses, and they feared it might have such a construction as would carry the American privilege to the straits of Behring. They feared, moreover, that the uncertainty of the coast referred to in article 3 might, by construction adverse to Russia, include the Bering Sea among the seas and gulfs mentioned in article 4. If that construction should prevail, not only the American coast, but the coast of Siberia and the Aleutian coasts might also be thrown open to the ingress of American fishermen. So great and genuine was their fright that they were able to induce the Russian Government to demand a fresh discussion of the treaty before they would consent to exchange ratifications.

It is easy, therefore, to discern the facts which caused the difference in precision between the American and British treaties with Russia, and which at the same time give conclusive force to the argument steadily maintained by the Government of the United States. These facts have thus far only been hinted at, and I have the right to presume that they have not yet fallen under the observation of Lord Salisbury. The President hopes that after the facts are presented the American contention will no longer be denied or resisted by Her Majesty's Government.

Nearly eight months after the Russo-American treaty was negotiated, and before the exchange of ratifications had yet taken place, there was a remarkable interview between Secretary Adams and the Russian Minister. I quote from Mr. Adams's diary, December 6, 1824:

6th, Monday.—Baron Tuyl, the Russian Minister, wrote me a note requesting an immediate interview, in consequence of instructions received yesterday from his Court. He came, and after intimating that he was under some embarrassment in executing his instructions, said that the Russian-American Company, upon learning the purport of the Northwest Coast convention concluded last June by Mr. Middleton, were extremely dissatisfied (*a jeté de hauts cris*), and, by means of their influence, had prevailed upon his Government to send him these instructions upon two points. One was that he should deliver, upon the exchange of the ratifications of the convention, an explanatory note purporting that the Russian Government did not understand that the convention would give liberty to the citizens of the United States to trade on the coast of Siberia and the Aleutian Islands. The other was to propose a modification of the convention, by which our vessels should be prohibited from trading on the Northwest Coast north of latitude 57°. With regard to the former of these points he left with me a minute in writing.

With this preliminary statement Baron Tuyl, in accordance with instructions from his Government, submitted to Mr. Adams the following note:

EXPLANATORY NOTE FROM RUSSIA.

Explanatory note to be presented to the Government of the United States at the time of the exchange of ratifications, with a view to removing with more certainty all occasion for future discussions; by means of which note it will be seen that *the Aleutian Islands, the coasts of Siberia, and the Russian Possessions in general on the Northwest Coast of America to 59° 30′ of north latitude* are positively excepted from the liberty of hunting, fishing, and commerce stipulated in favor of citizens of the United States for ten years.

This seems to be only a natural consequence of the stipulations agreed upon, for *the coasts of Siberia* are washed by the Sea of Okhotsk, the Sea of Kamschatka, and the Icy Sea, *and not by the South Sea* mentioned in the first article of the convention of April 5–17 [1824]. *The Aleutian Islands* are also washed by the Sea of Kamschatka, or Northern Ocean.

It is not the intention of Russia to impede the free navigation of the Pacific Ocean. She would be satisfied with causing to be recognized, as well understood and placed

beyond all manner of doubt, the principle that beyond 59° 30′ no foreign vessel can approach her coasts and her islands, nor fish nor hunt within the distance of two marine leagues. This will not prevent the reception of foreign vessels which have been damaged or beaten by storm.

The course pursued by Mr. Adams, after the Russian note had been submitted to him, is fully told in his diary, from which I again quote:

I told Baron Tuyl that we should be disposed to do everything to accommodate the views of his Government that was in our power, but that a modification of the convention *could* be made no otherwise than by a new convention, and that the construction of the convention as concluded belonged to other departments of the Government, for which the Executive had no authority to stipulate. * * * I added that the convention would be submitted immediately to the Senate; that if anything affecting its construction, or, still more, modifying its meaning, were to be presented on the part of the Russian Government before or at the exchange of the ratifications, it must be laid before the Senate, and could have no other possible effect than of starting doubts, and, perhaps, hesitation, in that body, and of favoring the views of those, if such there were, who might wish to defeat the ratification itself of the convention. * * * If, therefore, he would permit me to suggest to him what I thought would be his best course, it would be to wait for the exchange of the ratifications, and make it purely and simply; that afterwards, if the instructions of his Government were imperative, he might present the note, to which I now informed him what would be, in substance, my answer. It necessarily could not be otherwise. But, if his instructions left it discretionary with him, he would do still better to inform his Government of the state of things here, of the purport of our conference, and of what my answer must be if he should present the note. I believed his Court would then deem it best that he should not present the note at all. *Their apprehension had been excited by an interest not very friendly to the good understanding between the United States and Russia. Our merchants would not go to trouble the Russians on the coast of Siberia, or north of the fifty-seventh degree of latitude, and it was wisest not to put such fancies into their heads.* At least the Imperial Government might wait to see the operation of the convention before taking any further step, and *I was confident they would hear no complaint resulting from it.* If they should, then would be the time for adjusting the construction or negotiating a modification of the convention. * * *

The Russian Minister was deeply impressed by what Mr. Adams had said. He had not before clearly perceived the inevitable effect if he should insist on presenting the note in the form of a demand. He was not prepared for so serious a result as the destruction or the indefinite postponement of the treaty between Russia and the United States, and Mr. Adams readily convinced him that at the exchange of ratifications no modification of the treaty could be made. The only two courses open were, first, to ratify; or, second, to refuse, and annul the treaty. Mr. Adams reports the words of the minister in reply:

The Baron said that these ideas had occurred to himself; that he had made this application in pursuance of his instructions, but he was aware of the distribution of powers in our Constitution and of the incompetency of the Executive to adjust such questions. He would therefore wait for the exchange of the ratifications without presenting his note, and reserve for future consideration whether to present it shortly afterwards or to inform his Court of what he has done and ask their further instructions upon what he shall definitely do on the subject. * * *

As Baron Tuyl surrendered his opinions to the superior judgment of Mr. Adams, the ratifications of the treaty were exchanged on the 11th day of January, and on the following day the treaty was formally proclaimed. A fortnight later, on January 25, 1825, Baron Tuyl, following the instructions of his Government, filed his note in the Department of State. Of course, his act at that time did not affect the text of the treaty; but it placed in the hands of the Government of the United States an unofficial note which significantly told what Russia's construction of the treaty would be if, unhappily, any difference as to its meaning should arise between the two governments. But Mr. Adams's friendly intimation removed all danger of dispute, for it conveyed to Russia the assurance that the treaty, as negotiated, contained, in effect,

the provisions which the Russian note was designed to supply. From that time until Alaska, with all its rights of land and water, was transferred to the United States—a period of forty-three years—no act or word on the part of either government ever impeached the full validity of the treaty as it was understood both by Mr. Adams and by Baron Tuyl at the time it was formally proclaimed.

While these important matters were transpiring in Washington, negotiations between Russia and England (ending in the treaty of 1825) were in progress in St. Petersburg. The instructions to Baron Tuyl concerning the Russian-American treaty were fully reflected in the care with which the Anglo-Russian treaty was constructed, a fact to which I have already adverted in full. There was, indeed, a possibility that the true meaning of the treaty with the United States might be misunderstood, and it was therefore the evident purpose of the Russian Government to make the treaty with England so plain and so clear as to leave no room for doubt and to baffle all attempts at misconstruction. The Government of the United States finds the full advantage to it in the caution taken by Russia in 1825, and can therefore quote the Anglo-Russian treaty, with the utmost confidence that its meaning can not be changed from that clear, unmistakable text, which, throughout all the articles, sustains the American contention.

The "explanatory note" filed with this Government by Baron Tuyl is so plain in its text that, after the lapse of sixty-six years, the exact meaning can neither be misapprehended nor misrepresented. It draws the distinction between the Pacific Ocean and the waters now known as the Behring Sea so particularly and so perspicuously that no answer can be made to it. It will bear the closest analysis in every particular. "It is not the intention of Russia to impede the free navigation of the Pacific Ocean!" This frank and explicit statement shows with what entire good faith Russia had withdrawn, in both treaties, the offensive ukase of Alexander, so far as the Pacific Ocean was made subject to it. Another avowal is equally explicit, viz, that "the coast of Siberia, the Northwest Coast of America to 59° 30′ of north latitude [that is, down to 59° 30′, the explanatory note reckoning from north to south], and the Aleutian Islands are positively excepted from the liberty of hunting, fishing, and commerce stipulated in favor of citizens of the United States for ten years." The reason given for this exclusion is most significant in connection with the pending discussion, namely, that the coasts of Siberia are washed by the Sea of Okhotsk, the Sea of Kamchatka, and the Icy Sea, and not by the "South Sea" [Pacific Ocean] mentioned in the first article of the convention of April 5–17, 1824. The Aleutian Islands are also washed by the Sea of Kamchatka, or Northern Ocean (Northern Ocean being used in contradistinction to South Sea or Pacific Ocean). The liberty of hunting, fishing, and commerce, mentioned in the treaties, was therefore confined to the coast of the Pacific Ocean south of 59° 30′ both to the United States and Great Britain. It must certainly be apparent now to Lord Salisbury that Russia never intended to include the Behring Sea in the phrase "Pacific Ocean." The American argument on that question has been signally vindicated by the official declaration of the Russian Government.

In addition to the foregoing, Russia claimed jurisdiction of two marine leagues from the shore in the Pacific Ocean, a point not finally insisted upon in either treaty. The protocols, however, show that Great Britai was willing to agree to the two marine leagues, but the United States was not; and, after the concession was made to the United States, Mr. G. Canning insisted upon its being made to Great Britain also.

In the interview between the American Secretary of State and the Russian Minister, in December, 1824, it is worth noting that Mr. Adams believed that the application made by Baron Tuyl had its origin "in the apprehension of the Court of Russia which had been caused by an interest not very friendly to the good understanding between the United States and Russia." I presume no one need be told that the reference here made by Mr. Adams was to the Government of Great Britain; that the obvious effort of the British Government at that time was designed to make it certain that the United States should not have the power in the waters and on the shores of Behring Sea which, *Lord Salisbury now argues, had undoubtedly been given both to the United States and Great Britain by the treaties.*

It is to be remembered that Mr. Adams's entire argument was to quiet Baron Tuyl with the assurance that the treaty already negotiated was, in effect, just what the Russian Government desired it to be by the incorporation of the "explanatory note" of which Baron Tuyl was the bearer. Mr. Adams was not a man to seize an advantage merely by cunning construction of language, which might have two meanings. He was determined to remove the hesitation and distrust entertained for the moment by Russia. He went so far, indeed, as to give an assurance that American ships would not go above 57° north latitude (Sitka), and he did not want the text of the treaty so changed as to mention the facts contained in the explanatory note, because, speaking of the hunters and the fishermen, it "was wisest not to put such fancies into their heads."

It is still further noticeable that Mr. Adams, in his sententious expression, spoke of the treaty in his interview with Baron Tuyl as "the Northwest Coast convention." This closely descriptive phrase was enough to satisfy Baron Tuyl that Mr. Adams had not taken a false view of the true limits of the treaty and had not attempted to extend the privileges granted to the United States a single inch beyond their plain and honorable intent.

The three most confident assertions made by Lord Salisbury, and regarded by him as unanswerable, are, in his own language, the following:

(1) That England refused to admit any part of the Russian claim asserted by the ukase of 1821 of a maritime jurisdiction and exclusive right of fishing throughout the whole extent of that claim, from Behring Straits to the fifty-first parallel.

(2) That the convention of 1825 was regarded on both sides as a renunciation on the part of Russia of that claim in its entirety.

(3) That, though Behring Straits were known and specifically provided for, Behring Sea was not known by that name, but was regarded as a part of the Pacific Ocean.

The explanatory note of the Russian Government disproves and denies in detail these three assertions of Lord Salisbury. I think they are completely disproved by the facts recited in this dispatch, but the explanatory note is a specific contradiction of each one of them.

The "inclosures" which accompanied Lord Salisbury's dispatch, and which are quoted to strengthen his arguments, seem to me to sustain, in a remarkable manner, the position of the United States. The first inclosure is a dispatch from Lord Londonderry to Count Lieven, Russian minister at London, dated Foreign Office, January 18, 1822. The first paragraph of this dispatch is as follows:

The undersigned has the honor to acknowledge the note addressed to him by Baron de Nicolai of the 12th of September last, covering a copy of a ukase issued by his

imperial master, Emperor of all the Russias, bearing date 4th September, 1821, for various purposes therein set forth, *especially connected with the territorial rights of his Crown on the Northwest Coast of America bordering on the Pacific Ocean, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto.*

It is altogether apparent that this dispatch is limited to the withdrawal of the provisions of the ukase issued by the Emperor Alexander, especially connected with *the territorial rights on the Northwest Coast bordering on the Pacific Ocean.* Evidently Lord Londonderry makes no reference, direct or indirect, to the Behring Sea. The whole scope of his contention, as defined by himself, lies outside of the field of the present dispute between the British and American Governments. This Government heartily agrees with Lord Londonderry's form of stating the question.

The Duke of Wellington was England's representative in the Congress of Verona, for which place he set out in the autumn of 1822. His instructions from Mr. G. Canning, British Secretary of Foreign Affairs, followed the precise line indicated by Lord Londonderry in the dispatch above quoted. This is more plainly shown by a "memorandum on the Russian ukase" delivered by the duke on the 17th of October to Count Nesselrode, Russia's representative at Verona. The duke was arguing against the ukase of Alexander as it affected British interests, and his language plainly shows that he confined himself to the "Northwest Coast of America bordering *on the Pacific Ocean.*" To establish this it is only necessary to quote the following paragraph from the duke's memorandum, viz:

> Now, we can prove that the English Northwest Company and the Hudson's Bay Company have for many years established forts and other trading places in a country called New Caledonia, situated to the west of a range of mountains called the Rocky Mountains and extending along *the shores of the Pacific Ocean* from latitude 49° to latitude 60° north.

The Duke of Wellington always went directly to the point at issue, and he was evidently not concerning himself about any subject other than the protection of the English territory south of the Alaskan peninsula and on the Northwest Coast *bordering on the Pacific Ocean.* England owned no territory on the coast north of the Alaskan peninsula, and hence there was no reason for connecting the coast above the peninsula in any way with the question before the Congress. Evidently the Duke did not, in the remotest manner, connect the subject he was discussing with the waters or the shores of the Behring Sea.

The most significant and important of all the inclosures is No. 12, in which Mr. Stratford Canning, the British negotiator at St. Petersburg, communicated, under date of March 1, 1825, to Mr. G. Canning, Minister of Foreign Affairs, the text of the treaty between England and Russia. Some of Mr. Stratford Canning's statements are very important. In the second paragraph of his letter he makes the following statement:

> The line of demarcation along the *strip of land* on the Northwest Coast of America, assigned to Russia, is laid down in the convention agreeably to your directions.
> * * *

After all, then, it appears that the "strip of land," to which we have already referred more than once, was reported by the English plenipotentiary at St. Petersburg. This clearly and undeniably exhibits the field of controversy between Russia and England, even if we had no other proof of the fact. It was solely on the Northwest Coast bordering on the Pacific Ocean, and not in the Behring Sea at all. It is the same *strip of land* which the United States acquired in the purchase of Alaska,

and runs from 54° 40′ to 60° north latitude—the same *strip of land* which gave to British America, lying *behind* it, a free access to the ocean.

Mr. Stratford Canning also communicated, in his letter of March 1, the following:

> With respect to Behrings Straits, I am happy to have it in my power to assure you, on the joint authority of the Russian plenipotentiaries, that *the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits or of the seas to the north of them.*

This assurance from the Emperor of Russia is of that kind where the power to give or to withhold is absolute. If the treaty of 1825 between Great Britain and Russia had conceded such rights in the Bering waters as Lord Salisbury now claims, why was Sir Stratford Canning so "happy" to "have it in his power to assure" the British foreign office, on "the authority of two Russian plenipotentiaries," that "the Emperor had no intention of maintaining an exclusive claim to the navigation of the Behring Straits," or of the "seas to the north of them." The *seas to the south of the straits* were most significantly not included in the Imperial assurance. The English statesmen of that day had, as I have before remarked, attempted the abolition of the ukase of Alexander only so far as it affected the coast of the Pacific Ocean from the fifty-first to the sixtieth degree of north latitude. It was left in full force on the shores of the Behring Sea. There is no proof whatever that the Russian Emperor annulled it there. That sea, from east to west, is 1,300 miles in extent; from north to south it is 1,000 miles in extent. The whole of this great body of water, under the ukase, was left open to the world, except a strip of 100 miles from the shore. But with these 100 miles enforced on all the coasts of the Behring Sea it would be obviously impossible to approach the straits of Behring, which were less than 50 miles in extreme width. If enforced strictly, the ukase would cut off all vessels from passing through the straits to the Arctic Ocean. If, as Lord Salisbury claims, the ukase had been withdrawn from the entire Behring coast, as it was between the fifty-first and sixtieth degrees on the Pacific coast, what need would there have been for Mr. Stratford Canning, the English plenipotentiary, to seek a favor from Russia in regard to passing through the straits into the Arctic Ocean, where scientific expeditions and whaling vessels desired to go?

I need not review all the inclosures; but I am sure that, properly analyzed, they will all show that the subject matter touched only the settlement of the dispute on the Northwest Coast, from the fifty-first to the sixtieth degree of north latitude. In other words, they related to the contest which was finally adjusted by the establishment of the line of 54° 40′, which marked the boundary between Russian and English territory at the time of the Anglo-Russian treaty, as to day it marks the line of division between Alaska and British Columbia. But that question in no way touched the Behring Sea; it was confined wholly to the Pacific Ocean and the Northwest Coast.

Lord Salisbury has deemed it proper, in his dispatch, to call the attention of the Government of the United States to some elementary principles of international law touching the freedom of the seas. For our better instruction he gives sundry extracts from Wheaton and Kent—our most eminent publicists—and, for further illustration, quotes from the dispatches of Secretaries Seward and Fish, all maintaining the well-known principle that a nation's jurisdiction over the sea is limited

to 3 marine miles from its shore line. Commenting on these quotations his lordship says:

> A claim of jurisdiction over the open sea which is not in accordance with the recognized principles of international law or usage may, of course, be asserted by force, but can not be said to have any legal validity as against the vessels of other countries, except in so far as it is positively admitted in conventional agreements with those countries.

The United States, having the most extended seacoast of all the nations of the world, may be presumed to have paid serious attention to the laws and usages which define and limit maritime jurisdiction. The course of this Government has been uniformly in favor of upholding the recognized law of nations on that subject. While Lord Salisbury's admonitions are received in good part by this Government, we feel justified in asking his lordship if the Government of Great Britain has uniformly illustrated these precepts by example, or whether she has not established at least one notable precedent which would justify us in making greater demands upon Her Majesty's Government touching the Behring Sea than either our necessities or our desires have ever suggested? The precedent to which I refer is contained in the following narrative:

Napoleon Bonaparte fell into the power of Great Britain on the 15th day of July, 1815. The disposition of the illustrious prisoner was primarily determined by a treaty negotiated at Paris on the 2d of the following August between Great Britain, Russia, Prussia, and Austria. By that treaty "the custody of Napoleon is specially intrusted to the British Government." The choice of the place and of the measures which could best secure the prisoner were especially reserved to His Britannic Majesty. In pursuance of this power, Napoleon was promptly sent by Great Britain to the island of St. Helena as a prisoner for life. Six months after he reached St. Helena the British Parliament enacted a special and extraordinary law for the purpose of making his detention more secure. It was altogether a memorable statute, and gave to the British governor of the island of St. Helena remarkable powers over the property and rights of other nations. The statute contains eight long sections, and in the fourth section assumes the power to exclude ships of any nationality, not only from landing on the island, but forbids them "to hover within 8 leagues of the coast of the island." The penalty for hovering within 8 leagues of the coast is the forfeiture of the ship to His Majesty the King of Great Britain, on trial to be had in London, and the offense to be the same as if committed in the county of Middlesex. This power was not assumed by a military commander, pleading the silence of law amid the clash of arms; nor was it conferred by the power of civil Government in a crisis of public danger. It was a Parliamentary enactment in a season of profound peace that was not broken in Europe by war among the great Powers for eight and thirty years thereafter. [See inclosure C.]

The British Government thus assumed exclusive and absolute control over a considerable section of the South Atlantic Ocean, lying directly in the path of the world's commerce, near the capes which mark the southernmost points of both hemispheres, over the waters which for centuries had connected the shores of all continents, and afforded the commercial highway from and to all the ports of the world. The body of water thus controlled, in the form of a circle nearly 50 miles in diameter, was scarcely less than 2,000 square miles in extent; and whatever ship dared to tarry or hover within this area might, regard-

less of its nationality, be forcibly seized and summarily forfeited to the British King.

The United States had grave and special reasons for resenting this peremptory assertion of power by Great Britain. On the 3d day of July, 1815, a fortnight after the battle of Waterloo and twelve days before Napoleon became a prisoner of war, an important commercial treaty was concluded at London between the United States and Great Britain. It was the sequel to the Treaty of Ghent, which was concluded some six months before, and was remarkable, not only from the character of its provisions, but from the eminence of the American negotiators—John Quincy Adams, Henry Clay, and Albert Gallatin. Among other provisions of this treaty relaxing the stringent colonial policy of England was one which agreed that American ships should be admitted and hospitably received at the island of St. Helena. Before the ratifications of the treaty were exchanged, in the following November, it was determined that Napoleon should be sent to St. Helena. England thereupon declined to ratify the treaty unless the United States should surrender the provision respecting that island. After that came the stringent enactment of Parliament forbidding vessels to hover within 24 miles of the island. The United States was already a great commercial power. She had 1,400,000 tons of shipping; more than 500 ships bearing her flag were engaged in trade around the capes. Lord Salisbury has had much to say about the liberty of the seas, but these 500 American ships were denied the liberty of the seas in a space 50 miles wide in the South Atlantic Ocean by the express authority of Great Britain.

The act of Parliament which asserted this power over the sea was to be in force as long as Napoleon should live. Napoleon was born the same year with Wellington, and was therefore but 46 years of age when he was sent to St. Helena. His expectation of life was then as good as that of the duke, who lived until 1852. The order made in April, 1816, to obstruct free navigation in a section of the South Atlantic might, therefore, have been in force for the period of the thirty-six years, if not longer. It actually proved to be for five years only. Napoleon died in 1821.

It is hardly conceivable that the same nation which exercised this authority in the broad Atlantic over which, at that very time, 800,000,000 of people made their commercial exchanges, should deny the right of the United States to assume control over a limited area, for a fraction of each year, in the sea which lies far beyond the line of trade, whose silent waters were never cloven by a commercial prow, whose uninhabited shores have no port of entry and could never be approached on a lawful errand under any other flag than that of the United States. Is this Government to understand that Lord Salisbury justifies the course of England? Is this Government to understand that Lord Salisbury maintains the right of England, at her will and pleasure, to obstruct the highway of commerce in mid ocean, and that she will at the same time interpose objections to the United States exercising her jurisdiction beyond the 3 mile limit, in a remote and unused sea, for the sole purpose of preserving the most valuable fur-seal fishery in the world, from remediless destruction?

If Great Britain shall consider that the precedent set at St. Helena of obstruction to the navigable waters of the ocean is too remote for present quotation, I invite her attention to one still in existence. Even to-day, while Her Majesty's Government is aiding one of her colonies to destroy the American seal fisheries, another colony, with her consent,

has established a pearl fishery in an area of the Indian Ocean, 600 miles wide. And so complete is the assumption of power that, according to Sir George Baden-Powell, a license fee is collected from the vessels engaged in the pearl fisheries in the open ocean. The asserted power goes to the extent of making foreign vessels that have procured their pearls far outside the 3-mile limit pay a heavy tax when the vessels enter an Australian port to land cargoes and refit. Thus the foreign vessel is hedged in on both sides, and is bound to pay the tax under British law, because, as Sir George Baden-Powell intimates, the voyage to another port would probably be more expensive than the tax. I quote further from Sir George to show the extent to which British assumption of power over the Ocean has gone:

> The right to charge these dues and to exercise this control *outside the 3-mile limit* is based on an act of the Federal Council of Australasia, which (Federal Council act, 1885, section 15) enacts that the council shall have legislative authority, *inter alia, in respect of fisheries in Australian waters outside territorial limits.* In 1889 this council passed an act to "regulate the pearl shell and *beche de mer* fisheries in Australian waters adjacent to the colony of Western Australia." In 1888 a similar act had been passed, dealing with the fisheries in the seas adjacent to Queensland (on the east coast).

I am directed by the President to say that, on behalf of the United States, he is willing to adopt the text used in the act of Parliament to exclude ships from hovering nearer to the island of St. Helena than 8 marine leagues, or he will take the example cited by Sir George Baden-Powell, where, by permission of Her Majesty's Government, control over a part of the ocean 600 miles wide is to-day authorized by Australian law. The President will ask the Government of Great Britain to agree to the distance of 20 marine leagues—within which no ship shall hover around the islands of St. Paul and St. George, from the 15th of May to the 15th of October of each year. This will prove an effective mode of preserving the seal fisheries for the use of the civilized world—a mode which, in view of Great Britain's assumption of power over the open ocean, she can not with consistency decline. Great Britain prescribed 8 leagues at St. Helena; but the obvious necessities in the Behring Sea will, on the basis of this precedent, justify 20 leagues for the protection of the American seal fisheries.

The United States desires only such control over a limited extent of the waters in the Behring Sea, for a part of each year, as will be sufficient to insure the protection of the fur-seal fisheries, already injured, possibly, to an irreparable extent by the intrusion of Canadian vessels, sailing with the encouragement of Great Britain and protected by her flag. The gravest wrong is committed when (as in many instances is the case) American citizens, refusing obedience to the laws of their own country, have gone into partnership with the British flag and engaged in the destruction of the seal fisheries which belong to the United States. So general, so notorious, and so shamelessly avowed has this practice become that last season, according to the report of the American consul at Victoria, when the intruders assembled at Unalaska on the 4th of July, previous to entering Behring Sea, the day was celebrated in a patriotic and spirited manner by the American citizens, who, at the time, were protected by the British flag in their violation of the laws of their own country.

With such agencies as these, devised by the Dominion of Canada and protected by the flag of Great Britain, American rights and interests have, within the past four years, been damaged to the extent of millions of dollars, with no corresponding gain to those who caused the loss. From 1870 to 1890 the seal fisheries—carefully guarded and pre-

served—yielded 100,000 skins each year. The Canadian intrusions began in 1886, and so great has been the damage resulting from their destruction of seal life in the open sea surrounding the Pribilof Islands, that in 1890 the Government of the United States limited the Alaska Company to 60,000 seals. But the Company was able to secure only 21,000 seals. Under the same evil influences that have been active now for five seasons the seal fisheries will soon be utterly destoyed. Great Britain has been informed, advised, warned over and over again, of the evil effects that would flow from her course of action; but, against testimony that amounts to demonstration, she has preferred to abide by personal representations from Ottawa, by reports of commissioners who examined nothing and heard nothing, except the testimony of those engaged in the business against which the United States has earnestly protested. She may possibly be convinced of the damage if she will send an intelligent commissioner to the Pribilof Islands.

In general answer to all these facts, Great Britain announces that she is willing to settle the dispute by arbitration. Her proposition is contained in the following paragraph, which I quote in full:

> I have to request that you will communicate a copy of this dispatch, and of its inclosures, to Mr. Blaine. You will state that Her Majesty's Government have no desire whatever to refuse to the United States any jurisdiction in Behring Sea which was conceded by Great Britain to Russia, and which properly accrues to the present possessors of Alaska in virtue of treaties or the law of nations; and that, if the United States Government, after examination of the evidence and arguments which I have produced, still differ from them as to the legality of the recent captures in that sea, they are ready to agree that the question, with the issues that depend upon it, should be referred to impartial arbitration. You will in that case be authorized to consider, in concert with Mr. Blaine, the method of procedure to be followed.

In his annual message, sent to Congress on the first of the present month, the President, speaking in relation to the Bering Sea question, said:

> The offer to submit the question to arbitration, as proposed by Her Majesty's Government, has not been accepted, for the reason that the form of submission proposed is not thought to be calculated to assure a conclusion satisfactory to either party.

In the judgment of the President, nothing of importance would be settled by proving that Great Britain conceded no jurisdiction to Russia over the seal fisheries of the Behring Sea. It might as well be proved that Russia conceded no jurisdiction to England over the River Thames. By doing nothing in each case everything is conceded. In neither case is anything asked of the other. "Concession," as used here, means simply *acquiescence* in the rightfulness of the title, and that is the only form of concession which Russia asked of Great Britain or which Great Britain gave to Russia.

The second offer of Lord Salisbury to arbitrate, amounts simply to a submission of the question whether any country has a right to extend its jurisdiction more than 1 marine league from the shore. No one disputes that, as a rule; but the question is whether there may not be exceptions whose enforcement does not interfere with those highways of commerce which the necessities and usage of the world have marked out. Great Britain, when she desired an exception, did not stop to consider or regard the inconvenience to which the commercial world might be subjected. Her exception placed an obstacle in the highway between continents. The United States, in protecting the seal fisheries, will not interfere with a single sail of commerce on any sea of the globe.

It will mean something tangible, in the President's opinion, if Great Britain will consent to arbitrate the real questions which have been

under discussion between the two Governments for the last four years. I shall endeavor to state what, in the judgment of the President, those issues are:

First. What exclusive jurisdiction in the sea now known as the Behring Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

Second. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

Third. Was the body of water now known as the Bering Sea included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring Sea were given or conceded to Great Britain by the said treaty?

Fourth. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring Sea east of the water boundary, in the treaty between the United States and Russia of March 30, 1867, pass unimpaired to the United States under that treaty?

Fifth. What are now the rights of the United States as to the fur-seal fisheries in the waters of the Behring Sea outside of the ordinary territorial limits, whether such rights grow out of the cession by Russia of any special rights or jurisdiction held by her in such fisheries or in the waters of Behring Sea or out of the ownership of the breeding islands and the habits of the seals in resorting thither and rearing their young thereon and going out from the islands for food, or out of any other fact or incident connected with the relation of those seal fisheries to the territorial possessions of the United States?

Sixth. If the determination of the foregoing questions shall leave the subject in such position that the concurrence of Great Britain is necessary in prescribing regulations for the killing of the fur seal in any part of the waters of Behring Sea, then it shall be further determined: First, how far, if at all, outside the ordinary territorial limits it is necessary that the United States should exercise an exclusive jurisdiction in order to protect the seal for the time living upon the islands of the United States and feeding therefrom. Second, whether a closed season (during which the killing of seals in the waters of Behring Sea outside the ordinary territorial limits shall be prohibited) is necessary to save the seal-fishing industry, so valuable and important to mankind, from deterioration or destruction. And, if so, third, what months or parts of months should be included in such season, and over what waters it should extend.

The repeated assertions that the Government of the United States demands that the Behring Sea be pronounced *mare clausum*, are without foundation. The Government has never claimed it and never desired it. It expressly disavows it. At the same time the United States does not lack abundant authority, according to the ablest exponents of international law, for holding a small section of the Behring Sea for the protection of the fur seals. Controlling a comparatively restricted area of water for that one specific purpose is by no means the equivalent of declaring the sea, or any part thereof, *mare clausum*. Nor is it by any means so serious an obstruction as Great Britain assumed to make in the South Atlantic, nor so groundless an interference with the common law of the sea as is maintained by British authority to-day in the Indian Ocean. The President does not, however, desire the long

postponement which an examination of legal authorities from Ulpian to Phillimore and Kent would involve. He finds his own views well expressed by Mr. Phelps, our late minister to England, when, after failing to secure a just arrangement with Great Britain touching the seal fisheries, he wrote the following in his closing communication to his own Government, September 12, 1888:

Much learning has been expended upon the discussion of the abstract question of the right of *mare clausum*. I do not conceive it to be applicable to the present case. Here is a valuable fishery, and a large and, if properly managed, permanent industry, the property of the nations on whose shores it is carried on. It is proposed by the colony of a foreign nation, in defiance of the joint remonstrance of all the countries interested, to destroy this business by the indiscriminate slaughter and extermination of the animals in question, in the open neighboring sea, during the period of gestation, when the common dictates of humanity ought to protect them, were there no interest at all involved. And it is suggested that we are prevented from defending ourselves against such depredations because the sea at a certain distance from the coast is free.

The same line of argument would take under its protection piracy and the slave trade when prosecuted in the open sea, or would justify one nation in destroying the commerce of another by placing dangerous obstructions and derelicts in the open sea near its coasts. There are many things that can not be allowed to be done on the open sea with impunity, and against which every sea is *mare clausum;* and the right of self-defense as to person and property prevails there as fully as elsewhere. If the fish upon Canadian coasts could be destroyed by scattering poison in the open sea adjacent with some small profit to those engaged in it, would Canada, upon the just principles of international law, be held defenseless in such a case? Yet that process would be no more destructive, inhuman, and wanton than this.

If precedents are wanting for a defense so necessary and so proper, it is because precedents for such a course of conduct are likewise unknown. The best international law has arisen from precedents that have been established when the just occasion for them arose, undeterred by the discussion of abstract and inadequate rules.

I have the honor to be, sir, with the highest consideration, your obedient servant,

JAMES G. BLAINE.

[There are three inclosures, to-wit: Inclosure A, treaties of 1824 and 1825, for which see Vol. —, p. —. Inclosure B, list of maps, printed *infra*. Inclosure C, section 4 of "An act to regulate the intercourse with St. Helena," for which see Vol. —, p. —.]

[Inclosure B.]

List of early maps, with special designation of waters now known as Behring Sea, with date and place of publication.

[In these maps the waters south of Behring Sea are variously designated as the Pacific Ocean, Ocean Pacifique, Stilles Meer; the Great Ocean, Grande Mer, Grosser Ocean; the Great South Sea, Grosser Süd-See, Mer du Sud. And they are again further divided, and the northern part designated as North Pacific Ocean, Partie du Nord de la Mer du Sud, Partie du Nord de la Grande Mer, Grand Ocean Boreal, Nördlicher Theil des Grossen Süd-Meers, Nördlicher Theil des Stillen Meers, Nördliche Stille Meer etc. In all the maps, however, the Pacific Ocean, under one of these various titles, is designated as separate from the sea.]

Description of map.	Designation of waters now known as Bering Sea.	Where published.	Date.
Accurate chart of North America, from the best sources (German).	Sea of Anadir		(*)
Map made under direction of Mikhael Gvosdef, surveyor of the Shestakof expedition in 1730.	Kamtchatskisches Meer	St. Petersburg	1743
Mappemonde, by Lowitz	Mare Anadiricum	Berlin	1746
Geographical Atlas of the Russian Empire, Alexander Vostchinine.	Kamtchatka or Beaver Sea	St. Petersburg	1748
Carte de l'île de Ieso, corrected to date, by Philippe Buache, Academy of Sciences, Geographer to the King.	Mer de Kamtchatka	Paris	1754
Müller's map of the discoveries by the Russians on the northwest coast of America, prepared for the Imperial Academy of Sciences.	Sea of Kamtschatka	St. Petersburg	1758

* Unknown.

List of early maps, with designation of waters now known as Behring Sea, etc.—Continued.

Description of map.	Designation of waters now known as Behring Sea.	Where published.	Date.
D'Auville's map of the Western Hemisphere.	Sea of Anadir	Paris	1761
Map of the "Hemisphere Septentrional" by Count Redfern, published by Royal Academy of Sciences.	Mer Dormante	Berlin	1762
Map published in the London Magazine	Sea of Kamschatka	London	1764
Map by S. Bellin, engineer of the Royal Academy.	Sea of Kamtschatka	do	1766
Nouvelle Carte des découvertes par les vaisseaux russes aux côtes inconnues de l'Amérique Septle; Müller.	Mer de Kamschatka and Mer d'Anadir.	Amsterdam	1766
Jeffery's American Atlas, printed by R. Sayers and J. Bennett.	Sea of Kamtschatka and Sea of Anadir.	London	1768-'72
Road map from Paris to Tobolsken	Sea of Kamtschatka	Paris	1769
Bowles's Atlas; map of the world	Sea of Anadir	London	1770
Map of the eastern part of the Russian territory, by J. Trusscott.	Mare Kamtschatkiensae	St. Petersburg	1771
Map of the New Northern Archipelago, in J. von Staehlin Storcksburg's account of the northern archipelago lately discovered by the Russians in the seas of Kamschatka and Anadir.	Sea of Kamschatka and Sea of Anadir.	London	1774
Samuel Dunn's map of North America	Sea of Anadir	do	1774
Chart of Russian discoveries from the map published by the Imperial Academy of St. Petersburg (Robert Sayer, print seller), published as the act directs.	Sea of Kamtschatka	do	1775
Jeffery's atlas; chart containing part of Icy Sea and adjacent coasts of Asia and America, published 1775, according to act of Parliament, by Sayer and Bennett.	Sea of Kamschatka	do	1776
Jeffery's atlas; chart of the "Russian discoveries," from map published by Imperial Academy of Sciences; published by Robert Sayer, March 2, 1775.	do	do	1776
Atlas, Thomas Jeffery's (geographer to King), American; chart containing the coasts of California, New Albion, and the Russian discoveries to the north.	do	do	1776
Map in the French Encyclopedia	do	Paris	1777
Schmidt's Atlas	do	do	1777
Jeffery's atlas	do	London	1778
Carte der Entdekungen zwischen Siberia und America bis zum Jahr 1780.	Kamtschatkisches Meer		1780
Map of the new discoveries in the Eastern Ocean.	Kamtchatka or Beaver Sea	St. Petersburg	1781
St. Petersburg atlas	Sea of Kamtschatka	do	1782
Halbkugel der Erde, by Bode	Kamschatka Sea	Berlin	1783
Chart of the northwest coast of America and the northeast coast of Asia, prepared by Lieut. Henry Roberts, under the immediate inspection of Capt. Cook; published by William Faden.	Sea of Kamtschatka	London	1784
Map of the Empire of Russia and Tartary, by F. L. Gulsefeld.	Kamtchatkische oder Biber Meer.	Nuremberg	1786
Map of discoveries made by the Russians and by Captain Cook; Alexandre Vibrecht.	Sea of Kamtchatka	St. Petersburg	1787
Dunn's atlas; map of the world	Sea of Kamtschatka	London	1788
D'Auville's atlas; map of the world, with improvements, prepared for J. Harrison, as the act directs.	do	do	1788
Meares's Voyages; chart of northwest coast of America.	Sea of Kamschatka	do	1790
Chart of the world, exhibiting all the new discoveries to the present time, with the tracts of the most distinguished navigators from the year 1700, carefully collected from the best charts, maps, voyages, etc., extant, by A. Arrowsmith, geographer, "as the act directs."	do	do	1790
Chart of the Great Ocean or South Sea, conformable to the account of the voyage of discovery of the French frigates *la Boussole* and *l'Astrolabe;* La Pérouse.	Sea of Kamtschatka	Paris	1791
Karte des Nordens von America; G. Forster.	Kamschatka Sea	Berlin	1791
Greenough's map in Wilkinson's atlas	Sea of Kamtschatka	London	1791

List of early maps, with designation of waters now known as Behring Sea, etc.—Continued.

Description of map.	Designation of waters now known as Behring Sea.	Where published.	Date.
Map of the northeastern part of Siberia, the Frozen Sea, the Eastern Ocean, and northwestern coasts of America, indicating Billings's expedition.	Kamtchatka Sea	St. Petersburg	1791
Arrowsmith's map of the world	Sea of Kamtchatka	London	1794
Carte von America, F. L. Gulsefeld	Kamtschatkisches Meer	Nuremberg	1796
Atlas of Mathew Carey; map of the world, from the best authorities, and map of Russian Empire in Europe and Asia.	Sea of Kamtschatka	Philadelphia	1796
Chart of North America, by J. Wilkes, "as act directs."	do	London	1796
Halbkugel der Erde	Kamschatka Sea	Nuremberg	1767
Carte von Nord-Amerika, by F. L. Gulsefeld.	Kamtschatkisches Meer	do	1797
C. F. Delmarche's atlas; Mappemonde, by Robert du Vaugondy, including new discoveries of Captain Cook.	Sea of Kamtschatka	Paris	1797
La Pérouse's chart of the Great Ocean or South Sea, conformable to the discoveries of the French frigates *la Boussole* and *l'Astrolabe*, published in conformity with the decree of the French National Assembly, 1791, translated and printed by J. Johnson.	do	London	1798
W. Heather's marine atlas	Sea of Kamtchatka	do	1799
Greenough's atlas; map by Vibrecht, entitled "Carte de la Côte Nord-Ouest de l'Amérique Septentrionale," and showing the discoveries of the Russians, and of Portlock and Dixon.	Mer de Kamtchatka	Edinburgh	1800
Wilkinson's general atlas; a new Mercator's chart, drawn from the latest discoveries.	Sea of Kamtchatka	London	1800
Map of the world; Graberg	Bacino di Bering	Geneva	1802
Map magazine, composed according to the latest observations of foreign navigators, corrected to 1802.	Beaver Sea or Sea of Kamtchatka.	St. Petersburg	1802
Map of "Meer von Kamtschatka," with the routes of Capt. Jos. Billings and Mart. Sauer, drawn by Fred. Gotze, to accompany report of Billings's Russian official visit to Aleutia and Alaska.	Meer von Kamtschatka	Weimar	1803
Atlas des ganzen Erdkreises, by Christian Gottlieb Reichard.	Meer von Kamtchatka	do	1803
Arrowsmith's general atlas	Sea of Kamtchatka	London	1804
Map of Savrilia Sarytscheff's journey in the Northeast Sea.	Sea of Kamschatka	Leipsic	1805
Jedediah Morse's map of North America	do	Boston	1805
Robert Wilkinson's general atlas; new Mercator's chart.	Sea of Kamtchatka	London	1807
Atlas of the Russian Empire, adopted by the general direction of schools.	Kamtchatka or Beaver Sea	St. Petersburg	1807
General map of the travels of Captain Golovnin.	Kamtchatka Sea	do	1807–9
Map in Carey's atlas	Sea of Kamtschatka	London	1808
Lieutenant Roberts's chart, improved to date.	do	do	1808
Mappemonde in atlas of Malte-Brun	Bassin de Behring	Paris	1809
Dunn's atlas	Sea of Kamtschatka	London	1810
Karte des Grossen Oceans, usually the South Sea; Sotzmann.	Kamtschatkisches Meer	Hamburg	1810
Karte von Amerika; Streits	Sea of Kamtchatka	Weimar	1810
Arrowsmith's map of North America	Sea of Kamtschatka	London	1811
Map of the world in Pinkerton's atlas	do	do	1812
Map by Lapie	Bassin du Nord	Paris	1812
"Carte d'Amérique, rédigée aprrè celle d'Arrowsmith en quartre planches et soumise aux observations astronomiques de M. de Humboldt," by Champion.	Bassin de Behring	do	1813
Map of Oceanica, or the fifth part of the world, including a portion of America and the coasts of Asia, by H. Brué.	Bassin du Nord	do	1814
Neele's general atlas; Samuel and George Neele.	Sea of Kamtchatka	London	1814
Karte von America; Geographic Institute.[1]	Meer von Kamtchatka	Weimar	1814
Map of the world, by von Krusenstern	Meer von Kamschatka	St. Petersburg	1815
Encyproptype de l'Amérique Septentrionale, by Brué.	Bassin du Nord	Paris	1815
Smith's general atlas	Sea of Kamtchatka	London	1815

[1] This chart also designates the coast from Columbia River (49°) to Cape Elizabeth (60°) as the "Nord-West Kuste."

List of early maps, with designation of waters now known as Behring Sea, etc.—Continued.

Description of map.	Designation of waters now known as Behring Sea.	Where published.	Date.
Allgemeine Weltkarte, with voyage of Krusenstern.	Sea of Kamtschatka	London	1815
Grand Atlas Universal, edited by Chez Desray; Mappemonde, by Goujon, geographer.	Bassin du Nord	Paris	1816
Atlas élémentaire, by Lapie et Poirson	Bassin du Nord ou de Bering	do	1816
Amerique Septentrionale et Meridionale; Lapie.	Mer de Bering ou Bassin du Nord.	do	1817
Map in Thompson's atlas	Sea of Kamtschatka	Edinburgh	1817
Fielding Lucas's atlas	do	Baltimore	1817
Reichard and von Haller's German atlas	Sea of Kamschatka	Weimar	1818
Map in Greenough's atlas	Sea of Kamtchatka	Edinburgh	1818
John Pinkerton's modern atlas	do	Philadelphia	1818
Map engraved by Kirkwood & Son	Sea of Kamtschatka	Edinburgh	1819
Chart of the Russian and English discoveries in the North Pacific Ocean, by Capt. James Burney, F. R. S.	Sea of Kamschatka	London	1819
Carte Générale de l'Amérique; De Lamarche.	Mer de Bering ou Bassin du Nord.	Paris	1819
Carte d'Amérique Sept'le et Mérid'le; Hennon.	Bassin du Nord	do	1820
Chart of Alaska, by J. K. Eyries and Malte-Brun.	Behring Sea	do	1821
Chart of the Arctic Ocean and North America, by Lapie.	do	Weimar	1821
Carte Générale du Globe; Brué	Mer de Behring	Paris	1821
Mappemonde Tardieu	Mer de Behring	do	1821
Atlas of La Vogne; M. Carey	Sea of Kamtchatka	Philadelphia	1821
Atlas Universal of A. H. Brué	Mer de Bering	Paris	1822
Mappemonde; Herrison	Mer de Behring	do	1823
Map to illustrate the voyage of Kotzebue.	Sea of Kamtschatka	St. Petersburg	1823
Fielding Lucas's Atlas	do	Philadelphia	1823
Do	do	Baltimore	1823
Amérique Septentrionale; Lapie	Mer de Behring	Paris	1824
Atlas Classique et Universel, by M. Lapie.	Mer de Behring ou Bassin du Nord.	do	1824
Anthony Finley's Atlas	Sea of Kamtschatka	Philadelphia	1824
Atlas of Buchon; cartes des Possessions Russes.	Bassin du Nord	Paris	1825
Map in Butler's Atlas	Sea of Kamschatka	London	1825
Atlas Historico de Le Sage	Mer de Bering	Paris	[1]1829

Lord Salisbury to Sir Julian Pauncefote.

No. 34.] FOREIGN OFFICE, *February 21, 1891.*

SIR: The dispatch of Mr. Blaine, under date of the 17th December, has been carefully considered by Her Majesty's Government. The effect of the discussion which has been carried on between the two Governments has been materially to narrow the area of controversy. It is now quite clear that the advisers of the President do not claim Behring's Sea as a *mare clausum*, and indeed that they repudiate that contention in express terms. Nor do they rely, as a justification for the seizure of British ships in the open sea, upon the contention that the interests of the seal fisheries give to the United States Government any right for that purpose which, according to international law, it would not otherwise possess. Whatever importance they attach to the preservation of the fur-seal species—and they justly look on it as an object deserving the most serious solicitude—they do not conceive that it confers upon any maritime power rights over the open ocean which that power could not assert on other grounds.

The claim of the United States to prevent the exercise of the seal fishery by other nations in Behring Sea rests now exclusively upon the interest which by purchase they possess in a ukase issued by the Emperor Alexander I, in the year 1821, which prohibits foreign vessels from approaching within 100 Italian miles of the coasts and islands

[1] See also globe, London, 1797, by D. Adams, globe maker to the King, on which Bering Sea is designated as Eastern Ocean.

then belonging to Russia in Behring Sea. It is not, as I understand, contended that the Russian Government, at the time of the issue of this ukase, possessed any inherent right to enforce such a prohibition, or acquired by the act of issuing it any claims over the open sea beyond the territorial limit of 3 miles which they would not otherwise have possessed. But it is said that this prohibition, worthless in itself, acquired validity and force against the British Government because that Government can be shown to have accepted its provisions. The ukase was a mere usurpation; but it is said that it was converted into a valid international law, as against the British Government, by the admission of that Government itself.

I am not concerned to dispute the contention that an invalid claim may, as against another Government, acquire a validity which in its inception it did not possess, if it is formally or effectively accepted by that Government. But the vital question for decision is whether any other Government, and especially whether the Government of Great Britain, has ever accepted the claim put forward in this ukase. Our contention is, that not only can it not be shown that the Government of Great Britain, at any time since 1821, has admitted the soundness of the pretension put forward by that ukase, but that it can be shown that it has categorically denied it on more than one occasion. On the 18th January, 1822, four months after the issue of the ukase, Lord Londonderry, then British foreign secretary, wrote in the following terms to Count Lieven, the Russian ambassador in London:

> Upon the subject of this ukase generally, and especially upon the two main principles of claim laid down therein, viz, an exclusive sovereignty alleged to belong to Russia over the territories therein described, as also the exclusive right of navigating and trading within the maritime limits therein set forth, His Britannic Majesty must be understood as hereby reserving all his rights, not being prepared to admit that the intercourse which is allowed on the face of this instrument to have hitherto subsisted on these coasts and in those seas can be deemed to be illicit; or that the ships of friendly powers, even supposing an unqualified sovereignty was proved to appertain to the Imperial Crown in these vast and very imperfectly occupied territories, could, by the acknowledged law of nations, be excluded from navigating within the distance of 100 Italian miles, as therein laid down, from the coast.

On the 17th October, in the same year, the Duke of Wellington, ambassador at Verona, addressed to Count Nesselrode a note containing the following words:

> Objecting, as we do, to this claim of exclusive sovereignty on the part of Russia, I might save myself the trouble of discussing the particular mode of its exercise as set forth in this ukase. But we object to the sovereignty proposed to be exercised under this ukase not less than we do to the claim of it. *We can not admit the right of any power possessing the sovereignty of a country to exclude the vessels of others from the seas on its coasts to the distance of 100 Italian miles.*

Again, on the 28th November, 1822, the Duke of Wellington addressed a note to Count Lieven containing the following words:

> The second ground on which we object to the ukase is that His Imperial Majesty thereby excludes from a certain considerable extent of the open sea vessels of other nations. We contend that the assumption of this power is contrary to the law of nations, and we can not found a negotiation upon a paper in which it is again broadly asserted. We contend that no power whatever can exclude another from the use of the open sea; a power can exclude itself from the navigation of a certain coast, sea, etc., by its own act or engagement, but it can not by right be excluded by another. This we consider as the law of nations, and we can not negotiate upon a paper in which a right is asserted inconsistent with this principle.

It is evident, therefore, that so far as diplomatic representation went, the King's Government of that date took every step which it was in their power to take in order to make it clear to the Russian Government that Great Britain did not accept the claim to exclude her sub-

jects for 100 miles' distance from the coast, which had been put forward in the ukase of 1821.

Mr. Blaine does not deal with these protests, which appear to Her Majesty's Government to be in themselves amply sufficient to decide the question whether Great Britain did or did not acquiesce in the Russian claim put forward by the ukase. He confines himself mainly, in the dispatch under consideration, to the consideration of the treaties which were subsequently made between Great Britain and Russia and America and Russia in the year 1825, and especially of that between Russia and Great Britain. This treaty, of which the text is printed at the close of Mr. Blaine's dispatch, does not contain a word to signify the acquiescence of Great Britain in the claim recently put forward by Russia to control the waters of the sea for 100 miles from her coast. There is no stipulation upon which this interpretation can be imposed by any process of construction whatsoever. But there is a provision having, in our judgment, a totally opposite tendency, which indeed was intended to negative the extravagant claim that had recently been made on the part of Russia, and it is upon this provision that the main part of Mr. Blaine's argument, as I understand it, is founded. The stipulation to which I refer is contained in the first article and runs as follows:

ARTICLE 1. It is agreed that the respective subjects of the high contracting parties shall not be troubled or molested in any part of the ocean commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following articles.

I understand Mr. Blaine's argument to be that, if Great Britain had intended to protest against the claim of Russia to exclude ships for 100 miles from her coasts in Behring Sea, she would have taken this opportunity of doing so; but that, in confining herself to stipulations in favor of full liberty of navigation and fishing in any part of the ocean commonly called the Pacific Ocean, she, by implication, renounced any claim that could arise out of the same set of circumstances in regard to any sea that was not part of the Pacific Ocean. And then Mr. Blaine goes on to contend that the phrase "Pacific Ocean" did not and does not include Behring Sea.

Even if this latter contention were correct, I should earnestly demur to the conclusion that our inherent rights to free passage and free fishing over a vast extent of ocean could be effectively renounced by mere reticence or omission. The right is one of which we could not be deprived unless we consented to abandon it, and that consent could not be sufficiently inferred from our negotiators having omitted to mention the subject upon one particular occasion.

But I am not prepared to admit the justice of Mr. Blaine's contention that the words "Pacific Ocean" did not include Behring Sea. I believe that in common parlance, then and now, Behring Sea was and is part of the Pacific Ocean; and that the latter words were used in order to give the fullest and widest scope possible to the claim which the British negotiators were solemnly recording of a right freely to navigate and fish in every part of it, and throughout its entire extent. In proof of the argument that the words "Pacific Ocean" do not include Bering Sea, Mr. Blaine adduces a long list of maps in which a designation distinct from that of "Pacific Ocean" is given Behring Sea; either "Behring Sea," or "Sea of Kamchatka," or the "Sea of Anadir." The argument will hardly have any force unless it is applicable with equal truth to all the other oceans of the world. But no one will dispute

that the Bay of Biscay forms part of the Atlantic Ocean, or that the Gulf of Lyons forms part of the Mediterranean Sea; and yet in most maps it will be found that to those portions of the larger sea a separate designation has been given. The question whether by the words "Pacific Ocean" the negotiators meant to include or to exclude Behring Sea depends upon which locution was esteemed to be the correct usage at the time. The date is not a distant one, and there is no ground for suggesting that the usage has changed since the Anglo Russian treaty of 1825 was signed. The determination of this point will be most satisfactorily ascertained by consulting the ordinary books of reference. I append to this dispatch a list of some thirty works of this class, of various dates from 1795 downwards, and printed in various countries, which combine to show that, in customary parlance, the words "Pacific Ocean" do include Behring Sea.[1]

If, then, in ordinary language, the Pacific Ocean is used as a phrase including the whole sea from Behring Straits to the Antarctic Circle, it follows that the 1st article of the treaty of 1825 did secure to Great Britain in the fullest manner the freedom of navigation and fishing in Behring Sea. In that case no inference, however indirect or circuitous, can be drawn from any omission in the language of that instrument to show that Great Britain acquiesced in the usurpation which the ukase of 1821 had attempted. The other documents which I have quoted sufficiently establish that she not only did not acquiesce in it, but repudiated it more than once in plain and unequivocal terms; and as the claim made by the ukase has no strength or validity except what it might derive from the assent of any power whom it might affect, it results that Russia has never acquired by the ukase any right to curtail the natural liberty of Her Majesty's subjects to navigate or fish in these seas anywhere outside territorial waters. And what Russia did not herself possess she was not able to transmit to the United States.

Her Majesty's Government have, in view of these considerations, no doubt whatever that British subjects enjoy the same rights in Behring Sea which belong to them in every other portion of the open ocean; but it is, nevertheless, a matter of sincere satisfaction that the President is willing to refer to arbitration what he conceives to be the matters which have been under discussion between the two Governments for the last four years. In regard to the questions as they are proposed by Mr. Blaine, I should say that as to the first and second, no objection will be offered by Her Majesty's Government. They are as follows:

(1) What exclusive jurisdiction in the sea now known as the Behring Sea and what exclusive rights in the seal fisheries therein did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

(2) How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

The third question is expressed in the following terms:

Was the body of water now known as the Behring Sea included in the phrase "Pacific Ocean" as used in the treaty of 1825 between Great Britain and Russia and what rights (if any) in the Behring Sea were given or conceded to Great Britain by the said treaty?

Her Majesty's Government would have no objection to referring to arbitration the first part of that question, if it should be thought desirable to do so; but they would give that consent with the reservation that they do not admit that the decision of it can conclude the larger ques-

[1] For appendix to this dispatch see Senate Ex. Doc. No. 55, Fifty second Congress, first session, pp. 21–23.

tions which the arbitrator would have to determine. To the latter part of No. 3 it would be their duty to take exception:

What rights if any, in the Behring Sea were given or conceded to Great Britain by the said treaty?

Great Britain has never suggested that any rights were given to her or conceded to her by the said treaty. All that was done was to recognize her natural right of free navigation and fishing in that as in all other parts of the Pacific Ocean. Russia did not give those rights to Great Britain, because they were never hers to give away.

(4) Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea east of the water boundary in the treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that treaty?

This fourth question is hardly worth referring to an arbitrator, as Great Britain would be prepared to accept it without dispute.

The fifth proposed question runs as follows:

(5) What are now the rights of the United States as to the fur-seal fisheries in the waters of the Behring Sea outside of the ordinary territorial limits, whether such rights grow out of the cession by Russia of any special rights or jurisdiction held by her in such fisheries or in the waters of Behring Sea, or out of the ownership of the breeding islands, and the habits of the seals in resorting thither and rearing their young thereon, and going out from the islands for food, or out of any other fact or incident connected with the relation of those seal fisheries to the territorial possessions of the United States?

The first clause, "What are now the rights of the United States as to the fur-seal fisheries in the waters of the Behring Sea outside of the ordinary territorial limits?" is a question which would be very properly referred to the decision of an arbitrator. But the subsequent clause, which assumes that such rights could have grown out of the ownership of the breeding islands and the habits of the seals in resorting thereto involves an assumption as to the prescriptions of international law at the present time to which Her Majesty's Government are not prepared to accede. The sixth question, which deals with the issues that will arise in case the controversy should be decided in favor of Great Britain, would perhaps more fitly form the substance of a separate reference. Her Majesty's Government have no objection to refer the general question of a close time to arbitration, or to ascertain by that means how far the enactment of such a provision is necessary for the preservation of the seal species; but any such reference ought not to contain words appearing to attribute special and abnormal rights in the matter to the United States.

There is one omission in these questions which I have no doubt the Government of the President will be very glad to repair; and that is the reference to the arbitrator of the question, what damages are due to the persons who have been injured, in case it shall be determined by him that the action of the United States in seizing British vessels has been without warrant in international law. Subject to these reservations Her Majesty's Government will have great satisfaction in joining with the Government of the United States in seeking by means of arbitration an adjustment of the international questions which have so long formed a matter of controversy between the two governments.

I have to request that you will read this dispatch to Mr. Blaine, and leave a copy of it with him should he desire it.

I am, etc.,

SALISBURY.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, April 14, 1891.

SIR: The modifications which Lord Salisbury suggests in the questions for arbitration do not wholly meet the views of the President; but the President changes the text of the third and fifth in such manner, it is hoped, as will result in an agreement between the two governments. While Lord Salisbury suggests a different mode of procedure from that embodied in the sixth question, the President does not understand him actually to object to the question, and he therefore assumes that it is agreed to.

The six questions as now proposed by the President are as follows:

First. What exclusive jurisdiction in the sea now known as the Behring Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

Second. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

Third. Was the body of water now known as the Behring Sea included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after said treaty?

Fourth. Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea, east of the water boundary described in the treaty between the United States and Russia of March 30, 1867, pass unimpaired to the United States under that treaty?

Fifth. Has the United States any right, and, if so, what right, of protection or property in the fur seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary three-mile limit?

Sixth. If the determination of the foregoing questions shall leave the subject in such position that the concurrence of Great Britain is necessary in prescribing regulations for the killing of the fur seal in any part of the waters of Behring Sea, then it shall be further determined: First, how far, if at all, outside the ordinary territorial limits it is necessary that the United States should exercise an exclusive jurisdiction in order to protect the seal for the time living upon the islands of the United States and feeding therefrom? Second, whether a closed season (during which the killing of seals in the waters of Behring Sea outside the ordinary territorial limits shall be prohibited) is necessary to save the seal-fishing industry, so valuable and important to mankind, from deterioration or destruction? And, if so, third, what months or parts of months should be included in such season, and over what waters it should extend?

The President does not object to the additional question respecting alleged damages to English ships, proposed by Lord Salisbury, if one condition can be added, namely, that after the issues of the arbitration are joined, if the United States shall prevail, all the seals taken by Canadian vessels during the period shall be paid for at the ordinary price for which skins are sold. This seems to the President to be the complement of Lord Salisbury's proposition, and he doubts not that it will secure his lordship's assent.

In the first paragraph of Lord Salisbury's dispatch of February 21 he makes the following declaration:

> It is now quite clear that the advisers of the President do not claim Behring Sea as *mare clausum*, and, indeed, that they repudiate that contention in express terms.

Lord Salisbury's expression is put in such form as to imply (whether he so intended I know not) that the United States had hitherto been resting its contention upon the fact that the Behring Sea was *mare clausum*. If that was his intention it would have been well for his lordship to specify wherein the United States ever made the assertion. The emphatic denial in my dispatch of December 17 last was intended to put an end to the iteration of the charge and to eliminate it from the current discussion.

Lord Salisbury complains that I did not deal with certain protests, written by Lord Londonderry and the Duke of Wellington in 1822, which he had before quoted. If he will recur to the twenty-sixth and twenty-seventh pages of my dispatch of December 17, he will observe that I specially dealt with these; that I maintained, and, I think, proved from the text that there was not a single word in those protests referring to the Behring Sea, but that they referred, in the language of the Duke of Wellington of the 17th of October, 1822, only to the lands "extending along the shores of the Pacific Ocean from latitude 49° to latitude 60° north." In the first paragraph of Lord Londonderry's protest of January 18, 1822, addressed to Count Lieven, of Russia, he alluded to the matters in dispute as "*especially connected with the territorial rights of the Russian Crown on the Northwest Coast of America bordering on the Pacific Ocean, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto.*" From these and other pertinent facts it is evident that the protests of Lord Londonderry and the Duke of Wellington had nothing whatever to do with the points now in issue between the American and British governments concerning the waters of the Behring Sea. They both referred, in different and substantially identical phrases, to the territory south of the Alaskan Peninsula bordering on the Pacific and geographically shut out from the Behring Sea. I regret that my arguments on a point which Lord Salisbury considers of great importance should have escaped his lordship's notice.

In Lord Salisbury's judgment the contention of the United States now rests wholly upon the ukase of 1821 by the Emperor Alexander I of Russia. The United States has at no time rested its argument solely on the ground mentioned, and this Government regrets that Lord Salisbury should have so misapprehended the American position as to limit its basis of right in Behring Sea to the ukase of 1821. The United States has, among other grounds, insisted, without recurring to any of its inherited and superior rights in Alaska, that this Government has as full authority for going beyond the 3-mile line in case of proved necessity as Great Britain possesses.

Two or three instances of the power which Great Britain exercises beyond the 3-mile line have already been quoted, but have failed, thus far, to secure comment or explanation from Lord Salisbury. Another case can be added which, perhaps, is still more to the point. In 1889, only two years ago, the British Parliament enacted a law, the effect of which is fully shown by a map inclosed herewith. Far outside the 3-mile line the Parliament of Great Britain has attempted to control a body of water situated beyond the northeastern section of Scotland, 2,700 square miles in extent, and to direct that certain methods of fishing shall not be used within that great body of water under

a prescribed penalty. It will be observed that the inhibition is not alone against British subjects, but against "any person." I here quote the pertinent section of the Parliamentary act in question:

7 (1) The fishing board may, by by-law or by-laws, direct that the methods of fishing known as beam trawling and other trawling shall not be used within a line drawn from Duncansby Head, in Caithness, to Rattray Point, in Aberdeenshire, in any area or areas to be defined in such by-law, and may from time to time make, alter, and revoke by-laws for the purposes of this section, but no such by-law shall be of any validity until it has been confirmed by the secretary for Scotland.

(2) Any person who uses any such method of fishing in contravention of any such by-law shall be liable, on conviction under the summary jurisdiction (Scotland) acts, to a fine not exceeding £5 for the first offense, and not exceeding £20 for the second or any subsequent offense, and every net set, or attempted to be set, in contravention of any such by-law, may be seized and destroyed or otherwise disposed of as in the sixth section of this act mentioned.

If Great Britain may thus control an area of 2,700 square miles of ocean on the coast of Scotland why may not the United States prescribe a space around the Pribilof Islands in which similar prohibitions may be enforced? The following would be the needed legislation for such a purpose by Congress, and it is but a paraphrase of the act of Parliament:

The fur-seal board may, by by-law or by-laws, direct that the methods of sealing known as spearing or harpooning, or with firearms, shall not be used within a line drawn from the shores of the Pribilof Islands 60 miles in the Behring Sea, and said board may, from time to time, make, alter, and revoke by-laws for the purpose of this section; but no such by-law shall be of any validity until it has been confirmed by the Secretary of the Treasury.

Second. Any person who uses any such method of sealing in contravention of such by-laws shall be liable on conviction to a fine not exceeding $100 for the first offense and not exceeding $500 for the second or any subsequent offense, and every spear, harpoon, or firearm attempted to be used in contravention of any such by-law may be seized and destroyed or otherwise disposed of as said fur-seal board may direct.

It must not escape observation that the area of water outside the 3-mile line on the coast of Scotland, whose control is assumed by Great Britain, is as large as would be found inside a line drawn from Cape Cod to Portland Harbor, on the New England coast.

Lord Salisbury reasserts his contention that words "Pacific Ocean" at the time of the treaty between Russia and Great Britain did include Behring Sea. Undoubtedly the Pacific Ocean includes Behring Sea in the same sense that the Atlantic Ocean includes the Gulf of Mexico, and yet it would be regarded as a very inaccurate statement to say that the Mississippi River flows into the Atlantic Ocean. I think Lord Salisbury fails to recognize the common distinction between the "Atlantic Ocean" and "the waters of the Atlantic." While the Mexican Gulf is not a part of the Atlantic Ocean, it would, I am sure, comport with general usage to say that it belonged to the waters of the Atlantic, and, while Behring Sea is not technically a part of the Pacific Ocean, it undoubtedly belongs to the waters of the Pacific.

The English Channel would not ordinarily be understood as included in the term "Atlantic Ocean." One would not say that Dover or Calais is on the coast of the Atlantic Ocean, and yet clearly the English Channel belongs to the waters of the Atlantic. In point of fact, therefore, according to the usage of the world, there is no dispute of any consequence between the two Governments on the geographical point under consideration. The historical point is the one at issue. The explanatory note from Russia, filed in the State Department of this country, specially referred to in Mr. John Quincy Adams's diary and quoted in my note of December 17, 1890, plainly draws a distinction between the Pacific Ocean on the one hand, and the "Sea of Okhotsk, the Sea of

Kamchatka and the Icy Sea" on the other; and so long as Russia drew that distinction it must apply to, and must absolutely decide, all the contentions between the two countries as far as the waters of the Behring Sea are concerned. To discuss this point further would, in the opinion of the President, contribute nothing of value to the general contention.

In the opinion of the President Lord Salisbury is wholly and strangely in error in making the following statement:

> Nor do they [the advisers of the President] reply, as a justification for the seizure of British ships in the open sea, upon the contention that the interests of the seal fisheries give to the United States Government any right for that purpose which, according to international law, it would not otherwise possess.

The Government of the United States has steadily held just the reverse of the position which Lord Salisbury has imputed to it. It holds that the ownership of the islands upon which the seals breed, that the habit of the seals in regularly resorting thither and rearing their young thereon, that their going out from the islands in search of food and regularly returning thereto, and all the facts and incidents of their relation to the island, give to the United States a property interest therein; that this property interest was claimed and exercised by Russia during the whole period of its sovereignty over the land and waters of Alaska; that England recognized this property interest so far as recognition is implied by abstaining from all interference with it during the whole period of Russia's ownership of Alaska, and during the first nineteen years of the sovereignty of the United States. It is yet to be determined whether the lawless intrusion of Canadian vessels in 1886 and subsequent years has changed the law and equity of the case theretofore prevailing.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

JAMES G. BLAINE.

CORRESPONDENCE RELATIVE TO THE MODUS VIVENDI OF 1891 AND TO THE NEGOTIATIONS FOR ARBITRATION.[1]

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, April 20, 1891.

DEAR MR. BLAINE: I informed Lord Salisbury, in a private letter, of your alternative suggestion for a *modus vivendi* pending the result of the Behring Sea arbitration, namely, to stop all sealing both at sea and on land. Lord Salisbury seems to approve of that alternative, and he asks me whether, in case Her Majesty's Government should accept it, you would prefer that the proposal should come from them. I thought you would like to know Lord Salisbury's view of your proposal as early as possible, and that must be my excuse for troubling you with this letter during your repose at Virginia Beach.

May I ask you to be so good as to let me know, as soon as you conveniently can do so, what answer you would wish me to return to Lord Salisbury's inquiry?

Hoping that you have already benefited by the change of air, I remain, etc.,

JULIAN PAUNCEFOTE.

[1] The last notes of the preceding subdivision contain matter relating to arbitration.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 4, 1891.

SIR: During the month of March last, a few days after the adjournment of Congress, acting under the instructions of the President, I proposed to you that a *modus vivendi* be agreed upon touching the seal fisheries, pending the result of arbitration of the question at issue between the two Governments. The President's first proposal, which I submitted to you, was that no Canadian sealer should be allowed to come within a certain number of miles of the Pribilof Islands.

It was, however, the conclusion of the President, after reading Lord Salisbury's dispatch of February 21, that this *modus vivendi* might possibly provoke conflict in the Behring Sea, and, to avoid that result, he instructed me to propose that sealing, both on land and sea, should be suspended by both nations during the progress of arbitration, or during the season of 1891. On both occasions it was a conversational exchange of views, the first in my office at the State Department, the second at my residence.

The President was so desirous of a prompt response from Lord Salisbury to his second proposition that I ventured to suggest that you request an answer by cable, if practicable. Especially was the President anxious to receive an answer (which he trusted would be favorable) before he set out on his tour to the Pacific States. He left Washington on the night of April 13 without having heard a word from your Government. It was then a full month after he had instructed me to open negotiations on the question, and the only probable inference was that Lord Salisbury would not agree to his proposal.

The silence of Lord Salisbury implied, as seemed not improbable, that he would not restrain the Canadian sealers from entering Behring Sea, and, as all intelligence from British Columbia showed that the sealers were getting ready to sail in large numbers, the President found that he could not with justice prevent the lessees from taking seals on the Pribilof Islands. The President therefore instructed the Secretary of the Treasury, who has official charge of the subject, to issue to the lessees the privilege of killing on the Pribilof Islands the coming season the maximum number of 60,000 seals, subject, however, to the absolute discretion and control of an agent appointed by the Secretary of the Treasury to limit the killing to as small a number as the condition of the herd might, in his opinion, demand.

On the 22d of April, eight days after the President had left Washington, you notified me, when I was absent from the capital, that Lord Salisbury was ready to agree that all sealing should be suspended pending the result of arbitration. On the 23d of April I telegraphed Lord Salisbury's proposition to the President. He replied, April 25, expressing great satisfaction with Lord Salisbury's message, but instructing me to inform you that "some seals must be killed by the natives for food;" that "the lessees are bound, under their lease from the Government, to feed and care for the natives, making it necessary to send a ship to the Pribilof Islands each season at their expense;" and that, for this service—a very expensive one—the "lessees should find their compensation in taking a moderate number of seals under the lease." The President expressed his belief that this allowance would be readily agreed to by Lord Salisbury, because the necessity is absolute.

You will remember that when I communicated this proposition from

the President to you, on the evening of Monday, April 27, you did not agree with the President's suggestion. On the contrary, you expressed yourself as confident that Lord Salisbury would not accept it; that in your judgment the killing of seals must be cut off absolutely on the land and in the water, and that it could not be stopped on either unless stopped on both.

The narrative of facts which I have now given (absolutely necessary for clearly understanding the position of this Government) brings me to a further statement, which I am directed by the President to submit. The President refuses to believe that Lord Salisbury can possibly maintain the position you have taken when his lordship is placed in full possession of the facts which I shall now submit to you, somewhat in detail.

When the privilege of killing seals on the Islands of St. George and St. Paul, in Behring Sea, was leased to the North American Company for a certain sum per skin to be paid to the Government, other duties of an onerous, costly, and responsible character were imposed upon the company.

Under their lease the Company is obliged "to furnish to the inhabitants of the islands of St. George and St. Paul, annually, such quantity or number of dried salmon, and such quantity of salt, and such number of salt barrels for preserving their necessary supply of meat as the Secretary of the Treasury shall from time to time determine."

The Company is further obliged to "furnish to the inhabitants of these islands 80 tons of coal annually, and a sufficient number of comfortable dwellings in which said native inhabitants may reside, and shall keep such dwellings in proper repair.

The Company is further obliged "to provide and keep in repair such suitable school-houses as may be necessary, and shall establish and maintain during eight months of each year proper schools for the education of the children on said islands, the same to be taught by competent teachers, who shall be paid by the company a fair compensation; all to the satisfaction of the Secretary of the Treasury."

The Company is further obliged "to maintain a suitable house for religious worship, and will also provide a competent physician or physicians and necessary and proper medicine and medical supplies."

The company is still further obliged "to provide the necessaries of life for the widows and orphans, aged and infirm inhabitants of said islands, who are unable to provide for themselves.

And it is finally provided that "all the foregoing agreements shall be done and performed by the Company free of all costs and charges to the said native inhabitants of said islands or to the United States."

And it is made still further the duty of the Company "to employ the native inhabitants of said islands to perform such labor on the islands as they are fitted to perform, and to pay therefor a fair and just compensation, such as may be fixed by the Secretary of the Treasury." And, also, the Company "agrees to contribute, as far as in its power, all reasonable efforts to secure the comfort, health, education, and promote the morals and civilization of said native inhabitants."

In short, then, the means of living, the facilities for education, the care of health, the religious teaching, the training of the young, and the comfort of the old, in a community of over 300 persons, are all imposed upon the Company as its solemn duty by specific articles of the lease. I inclose you a copy of the census of 1890, giving every name of the 303 persons, old and young, male and female, who constitute the whole community of the Pribilof Islands.

The duties thus imposed upon the Company must be discharged annually with punctuality and exactness. The comfort, possibly the safety, of all these human beings, peculiarly helpless when left to themselves, are dependent upon the Company under the lease, and the lessees are paid therefor by the Government in the seal skins which the Company receives for the service. If the Company shall, as you say Lord Salisbury requests, be deprived of all privilege of taking seals, they certainly could not be compelled to minister to the wants of these 300 inhabitants for an entire year. If these islanders are to be left to charity, the North American Company is under no greater obligation to extend it to them than are other citizens of the United States. It evidently requires a considerable sum of money to furnish all the supplies named in the lease—supplies which must be carried 4,000 miles on a specially chartered steamer. If the lessees are not to be allowed payment in any form for the amount necessary to support these 300 people on the islands, they will naturally decline to expend it. No appropriation of money has been made by Congress for the purpose, and the President can not leave these worthy and innocent people to the hazard of starvation, even to secure any form of agreement with Lord Salisbury touching seal life. Seal life may be valuable, but the first duty of the Government of the United States in this matter is to protect human life.

In this exigency the President instructs me to propose to Lord Salisbury that he concede to the North American Company the right to take a sufficient number of seals, and no more than sufficient, to recompense them for their outlay in taking care of the natives; and that, in the phrase of the President, all "commercial killing of seals be prohibited pending the result of arbitration." The Secretary of the Treasury has the right to fix the number necessary to the end desired. After full consideration, he has limited the number to 7,500 to be killed by the Company to repay them for the outlay demanded for the support of the 300 people on the Pribilof Islands. He further directs that no females be killed, and that thus the productive capacity of the herd shall not in the slightest degree be impaired.

This point being fixed and agreed to, the proposed arrangement between the two countries would be as follows:

The Government of the United States limits the number of seals to be killed on the islands, for purposes just described, to 7,500.

The Government of the United States guarantees that no seals shall be killed in the open waters of the Behring Sea by any person on any vessel sailing under the American flag, or by any American citizen sailing under any other flag.

The Government of Great Britain guarantees that no seals shall be killed in the open waters of the Behring Sea by any person on any vessel sailing under the British flag, and that no British subject shall engage in killing seals for the time agreed upon on any vessel sailing under any other flag.

These prohibitions shall continue until the 1st day of May, 1892, within which time the arbitrators shall render final award or awards to both Governments.

These several propositions are submitted for the consideration of Lord Salisbury. The President believes that they are calculated to produce a result at once fair and honorable to both Governments, and thus lead to the permanent adjustment of a controversy which has already been left too long at issue.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, May 5, 1891.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which you have formulated for the consideration of the Marquis of Salisbury detailed proposals for a *modus vivendi* during the approaching fishery season in Behring Sea on the principle of a cessation of seal killing, both at sea and on land, an arrangement to which, as I informed you in my note of the 20th ultimo, his lordship was disposed to give his favorable consideration.

I have forwarded to Lord Salisbury by this day's mail a copy of your note, and I have telegraphed to his lordship the precise terms of the proposal with which it concludes.

I much regret to find that a misconception has arisen as regards your complaint of delay on my part in acquainting Lord Salisbury with second alternative proposal for a cessation of seal killing at sea and on land, which you originally made to me verbally.

On that occasion you may remember that I expressed some reluctance at sending any further proposals to his lordship while his dispatch of February 21 last (submitting amendments on the questions for arbitration) remained unanswered, and that I suggested that it would be more satisfactory if this new proposal were made concurrently with your reply to that dispatch, which I hoped to receive with the least possible delay.

I understood you to assent to that suggestion, and to say that "you would proceed in that order."

If you had informed me that the President for any reason desired that this alternative proposal should be telegraphed to Lord Salisbury, I need hardly say that I should have complied at once with his wishes. But I can not call to mind that the President's name was ever mentioned at our interview, which you correctly describe as "a conversational exchange of views." Fortunately, however, no appreciable loss of time occurred. I acquainted Lord Salisbury with your alternative proposal by the mail of the 7th of April (a few days only after it was made), and I received a prompt answer by telegraph, which enabled me to inform you by my note of April 20 that his lordship was disposed to consider the proposal favorably.

At an interview at your residence on the 23d of April you expressed your satisfaction at Lord Salisbury's reply, and you stated that before taking any further steps you desired to communicate by telegraph with the President.

At a further interview at your residence on the 27th you informed me that the President desired that the *modus vivendi* should contain a reservation of the right to kill a certain number of seals for the support of the natives of the Pribilof Islands. At first sight this reservation caused me some disappointment. It certainly appeared to me open to exception as detracting from the principle of equality, which was a feature of the original proposal. But I was more concerned at your stating that it never was the intention of the President or of yourself that the *modus vivendi* should be put in force until the terms of arbitration had been settled.

This, I feared, would prevent the timely application of the *modus vivendi*, and I so informed Lord Salisbury by telegram on the same day.

I notice with satisfaction that no such condition is affixed to your

present proposal, although the reservation as to the killing of a limited number of seals on the islands is maintained.

I am glad to think that there is yet time to carry out for this fishery season any arrangement which may promptly be agreed to, and I hope that the above explanation may remove the impression you appear to have formed that there has been any delay on my part in expediting the consideration of the *modus vivendi* which you have proposed.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Adee to Sir Julian Pauncefote.

[Personal.]

DEPARTMENT OF STATE,
Washington, May 20, 1891.

MY DEAR SIR JULIAN: The President is desirous to learn the reply of Her Majesty's Government to the proposition submitted in Department's note of the 4th instant, to stop sealing by citizens of the United States as well as by subjects of Her Majesty pending the arbitrations of questions in dispute touching the seal fisheries in Behring Sea.

I should be glad to know as soon as possible the present state of the matter.

I remain, etc.,

ALVEY A. ADEE,
Second Assistant Secretary.

Sir Julian Pauncefote to Mr. Adee.

[Personal.]

BRITISH LEGATION,
Washington, May 21, 1891.

DEAR MR. ADEE: I regret that I am not yet in a position to answer the inquiry of the President communicated to me in your letter of yesterday, but, immediately on its receipt, I telegraphed the substance of its contents to the Marquis of Salisbury, and I hope to receive in the course of to day a telegram from his lordship in reply.

You may rely on my using the utmost expedition in the matter.

I remain, etc.,

JULIAN PAUNCEFOTE.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 26, 1891.

SIR: In my personal note of the 20th instant and on several occasions in oral communication, I have had the honor to express the desire of the President to be informed at the earliest possible moment of the response of Her Majesty's Government to the proposal, which formed

the subject of Mr. Blaine's note to you of the 4th instant, that seal-taking on the islands and in the waters of Behring Sea be limited, as in said note expressed, as to citizens of the United States and subjects of Great Britain, pending the arbitration of certain questions in controversy between the two Governments.

In several interviews with you since the 20th instant the desire of the President for an early response to the note of the 4th of May has been reaffirmed.

The situation evidently calls for prompt action. Each day's delay increases the existing difference in the ability of the respective governments to make the proposed limitation of seal-taking effective. It is reported that a large fleet of Canadian sealers has been for some weeks or months on the seas. They are daily going farther out of reach. The revenue cruisers have awaited definite orders. Their presence is urgently needed in the Behring Sea. Any further delay tends to defeat the very purpose for which the agreement is sought. It is quite incompatible with fairness and justice to our citizens that this should be permitted to continue.

Ample opportunity has been afforded to Her Majesty's Government to bring this condition to a close by an effective agreement; but the result is still uncertain and, to all appearances, remote. The President would be glad to know that it is near at hand and certain; but he can no longer hold back in furtherance of a vague hope, to the detriment of the legitimate interests of the Government and citizens of the United States.

I am, therefore, directed by the President to inform you that orders have been given to the revenue steamer *Rush* to proceed to the sealing islands.

Another revenue steamer, the *Corwin*, is at San Francisco, nearly ready to sail, and will very shortly put to sea. Should an agreement be reached before her departure, appropriate orders may still be sent by her to the islands. I mention this in order that you may comprehend how fully this Government desires to effect an arrangement for this season, and that you may realize how each day's delay lessens the ability of Her Majesty's Government to effectively coöperate with regard to British subjects and tends to destroy the practical utility of an agreement to limit the seal catch.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Sir Julian Pauncefote to Mr. Adee.

BRITISH LEGATION,
Washington, May 27, 1891.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, and to inform you that I have communicated the substance of its contents to the Marquis of Salisbury by telegram.

I feel assured that his lordship will greatly regret any inconvenience which may be caused to your Government by the impracticability of returning an immediate reply to the proposal contained in Mr. Blaine's note to me of the 4th instant.

Lord Salisbury, as I had the honor to state to you verbally, is using the utmost expedition; but the lateness of the proposal and the con-

ditions attached to it have given rise to grave difficulties, as to which his lordship has necessarily been in communication with the Canadian Government. His reply, however, may now arrive at any moment.

I have, etc.,

JULIAN PAUNCEFOTE.

Proposal of Her Majesty's Government for a modus vivendi in the Behring Sea during the sealing season of 1891.

WASHINGTON, *June 3, 1891.* (Received June 4, 1891.)

(1) The Government of Great Britain and of the United States shall prohibit, until May, 1892, the killing of seals in Behring Sea or any islands thereof, and will, to the best of their power and ability, insure that subjects and citizens of the two nations, respectively, and the vessels flying their respective ages, shall observe that prohibition.

(2) During the period above specified the United States Government shall have the right to kill 7,500 seals.

(3) Consuls may at any time be appointed to the islands in the Bering Sea, and the United States Government will grant an "exequatur" to any such consuls.

(4) Unless the assent of Russia be obtained to this convention it shall not come into operation.

JULIAN PAUNCEFOTE.

Behring Sea arbitration.

WASHINGTON, *June 3, 1891.* (Received June 4, 1891.)

The undersigned has been instructed by the Marquis of Salisbury to inform the United States Government that Her Majesty's Government are prepared to assent to the first five questions proposed to be submitted to arbitration in the note of the Hon. James G. Blaine to the undersigned, dated the 14th of April last.

Her Majesty's Government can not give their assent to the sixth question formulated in that note. In lieu thereof they propose the appointment of a commission to consist of four experts, of whom two shall be nominated by each Government, and a chairman who shall be nominated by the Arbitrators. The Commission shall examine and report on the question which follows:

For the purpose of preserving the fur-seal race in Behring Sea from extermination, what international arrangements, if any, are necessary between Great Britain and the United States and Russia or any other power?

As regards the question of compensation, Her Majesty's Government propose the following article:

It shall be competent to the arbitrators to award such compensation as in their judgment shall seem equitable to the subjects and citizens of either power who shall be shown to have been damnified in the pursuit of the industry of sealing by the action of the other power.

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 4, 1891.

SIR: I am directed by the President to say, in reply to your note of the 3d instant, conveying to the Government of the United States the response of Her Majesty's Government to the proposal of Mr. Blaine for a *modus vivendi*, relating to the seal fisheries in Behring Sea during the present season—

First. In place of the first and second subdivisions of the agreement, as submitted to you, the President suggests the following:

(1) The Government of Great Britain shall prohibit, until May, 1892, the killing of seals in all that part of the Behring Sea lying east, eastwardly, or southeastwardly of the line described in article 1 of the convention between the United States and Russia, of date March 30, 1867, and will promptly take such steps as are best calculated effectively to insure the observance of this prohibition by the subjects and citizens of Great Britain and all vessels flying its flag.

(2) The Government of the United States shall prohibit, until May, 1892, the killing of seals in that part of Behring Sea above described, and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands), and the Government of the United States will promptly take such steps as are best calculated effectually to insure the observance of this prohibition by the citizens of the United States and the vessels flying its flag.

These changes are suggested in order that the *modus* may clearly have the same territorial extent with the pending proposals for arbitration; that the stipulation for a prohibition of seal-killing upon the islands of the United States may rest upon its own order; and that the obligation of the respective governments to give prompt and vigorous effect to the agreement may be more clearly apparent.

Second. The pertinency of the suggestion contained in the third subdivision of Lord Salisbury's proposal is not apparent to the President. The statutes of the United States explicitly prohibit the landing of any vessels at the seal islands and the residence thereon of any person unless specifically authorized by the Secretary of the Treasury. It is, therefore, obvious that no consular functions could be discharged upon the islands by any representative of Her Majesty's Government. The President regards this law as declaring an exception as to the residence of consuls within the meaning of article 4 of the convention of commerce and navigation of December 22, 1815, between Her Majesty's Government and the United States. If the proposal is intended to relate to the islands of St. Paul and St. George, and has for its object access for such agents of the Government of Her Majesty as may be appointed to investigate facts that may be involved in the pending proposals for arbitration, or in the hearing before the Arbitrators, I am directed by the President to say that, in the event of an agreement for arbitration of the questions in dispute between Great Britain and the United States, he would be willing to extend reasonable facilities to Great Britain for the investigation at the islands of any facts involved in the controversy.

Third. The fourth clause of the proposal of Her Majesty's Government, limiting the taking effect of the *modus vivendi* upon the assent of Russia, presents what seems to the President an insuperable diffi-

culty, as an adherence to that suggestion by Her Majesty's Government will, in his opinion, prevent the conclusion of any agreement, and will inevitably cause such a delay as to thwart the purposes which he must suppose both governments have had in view. He is surprised that this result did not suggest itself to Lord Salisbury, and does not doubt that it will be apparent to him on a reëxamination. I am also directed to remind you that the contention between the United States and Great Britain has been limited to that part of Behring Sea eastward of the line of demarkation described in our convention with Russia, to which reference has already been made, and that Russia has never asserted any rights in these waters affecting the subject-matter of this contention, and can not therefore be a necessary party to these negotiations if they are not now improperly expanded. Under the statutes of the United States the President is authorized to prohibit sealing in the Behring Sea within the limits described in our convention with Russia and to restrict the killing of seals on the islands of the United States, but no authority is conferred upon him to prohibit or make penal the taking of seals in the waters of Behring Sea westward of the line referred to or upon any of the shores or islands thereof. It was never supposed by anyone representing the Government of the United States in this correspondence, or by the President, that an agreement for a *modus vivendi* could be broader than the subject of contention stated in the correspondence of the respective governments.

Negotiations for an arbitration have been proceeding between the United States and Great Britain, and, if these powers are competent to settle by this friendly method their respective rights and relations in the disputed waters upon a permanent basis, it would seem to follow that no question could arise as to their competency to deal directly with the subject for a single season. If Great Britain now insists upon impossible conditions, viz, that the conclusion of the *modus vivendi* is to be delayed until, and made contingent upon, the assent of Russia to stop the killing of seals on its own islands and in its own waters, and upon the exercise by the President of powers not conferred by law, this would be, in his opinion, a practical withdrawal by Great Britain from the negotiations for a *modus vivendi*. This he would very much regret, and he confidently hopes that a reconsideration will enable Lord Salisbury to waive the suggestion of Russia's participation in the agreement and the inclusion of other waters than those to which the contention between the United States and Great Britain relates.

In case the terms of the *modus vivendi* are agreed upon, the President suggests that a provision, heretofore considered in another connection in the general correspondence, by which the naval or other duly commissioned officers of either party may arrest any offending vessel and turn it over at the nearest port of the nation whose flag it carries for such judicial proceedings as the law provides, should be incorporated here, the more effectually to carry out the stipulations of the respective governments to prohibit their citizens and vessels from taking seals in the specified waters of Behring Sea.

Having, with a view to an exigency which he has several times caused to be explained to you, promptly responded to the suggestions of your note of yesterday, the President directs me to say that he will be pleased to have from Lord Salisbury a prompt response to these suggestions.

I am further directed by the President to say that your note of the same date, referring to the conditions of the proposed arbitration, and

stating the objection of Lord Salisbury to some points in the proposal of Mr. Blaine, will have the early attention of the President.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, June 6, 1891.

SIR: Immediately on the receipt of your note of the 4th instant, relative to the proposed *modus vivendi* in Behring Sea, I communicated its contents to the Marquis of Salisbury by telegraph. I have now the honor to inform you that late last night I received a telegraphic reply from his lordship, of which the substance is contained in the inclosed memorandum.

I have, etc.,

JULIAN PAUNCEFOTE.

BEHRING SEA MODUS VIVENDI.

[Inclosure in Sir Julian Pauncefote's letter.—Memorandum.]

Her Majesty's Government accept the proposal of the President that the *modus vivendi*, if agreed upon, should provide that "the naval or other duly commissioned officers of either party may arrest any offending vessel and turn it over to the nearest port of the nation whose flag it carries for such judicial proceedings as the law provides." By accepting this proposal Her Majesty's Government give to the cruisers of the United States the power of supervising the conduct of British subjects in observing the proposed agreement at sea. This is a concession which, in Lord Salisbury's opinion, entitles Her Majesty's Government to ask from the United States the corresponding power of supervising the proceedings of the United States citizens on the seal islands. It is on the fidelity with which the condition of not killing more than 7,500 seals is observed that the equality of the proposed agreement depends. Her Majesty's Government, therefore, regard it as indispensable that they should have the right of satisfying themselves that this condition is fully observed by citizens of the United States. If there be an objection on the part of the United States Government to issuing an exequatur to a permanent consul on the seal islands, Lord Salisbury suggests that they can, under the statute, "specifically authorize" the residence thereon of a British agent during the present season.

His lordship will not insist on the condition that Russia shall be a party to the agreement, but he must earnestly press the United States Government to extend the prohibition to their citizens and vessels over the entire area of Behring Sea. In that case Her Majesty's Government on their part will similarly extend the prohibition to British subjects and vessels.

Lord Salisbury points out that, if seal-hunting be prohibited on one side of a purely imaginary line drawn in the open ocean, while it is permitted on the other side of the line, it will be impossible in many cases to prove unlawful sealing or to infer it from the possession of skins or fishing tackle.

In conclusion, Lord Salisbury states that Her Majesty's Government consider it a matter of great importance that the two Governments should agree on the terms of arbitration at the same time as on a *modus vivendi*. The suspension of sealing is not a measure which they could repeat another year.

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 6, 1891.

SIR: I am directed by the President to say that he has received with great satisfaction the note of Lord Salisbury of to-day's date in reply to my note of the 4th instant. He directs me to ask you to remind Lord Salisbury that the limitation of the killing of seals upon the islands is absolutely within the control of the United States, as a daily count is made by sworn officers, and to inform him that already, in order to assure such control pending these negotiations, the agents of the Treasury Department, who have been dispatched to the seal islands, have been instructed to stop the killing when 7,500 have been taken and to await the arrival of further orders, though ordinarily the taking of seals on the islands does not begin until about July 1. The enforcement of an agreed limitation being so fully in the control of the United States, the President is sure that Lord Salisbury will not question the absolute good faith of this Government in observing its stipulation to limit the catch to 7,500. This Government could not, of course, consent to any arrangement that implied such a doubt or involved any foreign supervision on the islands. If the prompt and effectual recall of the fleet of Canadian sealers now at sea was as fully within the control of Great Britain the President would not have suggested the provision for the arrest by either party of vessels violating the prohibition, but would have rested confidently in the assurance given by Her Majesty's Government.

But in view of the fact that the evidence which the respective Governments will present to the Arbitrators (if that happy solution of the pending difficulties shall be attained) must be collected during the present season, and as the definite agreement for arbitration can not be concluded contemporaneously with this agreement, the President directs me to say that he is quite willing to agree that Her Majesty's Government may send to the seal islands, with a view to collecting the facts that may be involved in an arbitration, and especially facts relating to seal life and to the results of the methods which have been pursued in the killing of seals, a suitable person or persons to make the necessary observations. The present and the comparative conditions of the rookeries may become an important consideration before arbitrators in a certain event, and the President would not ask that the evidence upon this subject should be wholly from one side. He is desirous that the prohibition of the killing of seals for this season shall be as wide and absolute as possible, and will not omit the exercise of any power confided to him by law to promote that end. He directs me to assure Lord Salisbury that he is extremely desirous to bring to a speedy conclusion the pending negotiations for the submission to impartial arbitration of the points of difference between the two Governments, and regrets that, for reasons which have been explained to you, an immediate answer can not be returned to his lordship's note upon that subject of the 2d instant. He feels sure, however, that the prompt announcement of an agreement for a *modus* for this season, while there is yet time to make it mutually effective, will not fail to have a happy influence upon the final negotiations.

It is hoped that authority may be given to you, as the representative of Her Majesty's Government at this capital, to conclude, immediately upon the passage of the bill now pending in Parliament, the following agreement:

For the purpose of avoiding irritating differences and with a view to promote a friendly settlement of the questions pending between the Governments of Great Britain on the one side and the United States of America on the other, touching the rights of the respective nations in the Behring Sea, the following agreement is made, which shall have no effect to limit or prejudice the rights or claims of either power, except as therein expressly stipulated and for the time therein limited:

(1) The Government of Great Britain will prohibit until May, 1892, the killing of seals in all that part of the Behring Sea lying east, eastwardly, or southeastwardly of the line described in article 1 of the convention between the United States and Russia of date March 30, 1867, and will promptly take such steps as are best calculated effectively to insure the observance of this prohibition by the subjects and citizens of Great Britain and all vessels flying its flag.

(2) The Government of the United States will prohibit until May, 1892, the killing of seals in that part of Behring Sea above described, and on the shores and islands thereof, the property of the United States (except that 7,500 seals, and no more, may be taken on the islands); and the Government of the United States will promptly take such steps as are best calculated effectively to insure the observance of this prohibition by the citizens of the United States and the vessels flying its flag.

(3) All vessels or persons violating the laws of their respective Governments in this regard outside the ordinary territorial limits may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong for trial and for the imposition of the penalties and forfeitures provided by law.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case of that Government before arbitrators, and in the expectation that an agreement for arbitration may ultimately be reached, it is agreed that a suitable person or persons, to be designated by Great Britain, will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, June 8, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant containing the terms of a proposed agreement for a *modus vivendi* during the present seal-fishery season in Berhing Sea, which I communicated at once by telegraph to the Marquis of Salisbury.

I have this day received a reply from his lordship, in which he transmits a draft of the proposed agreement, with certain modifications and additions.

I beg to inclose a copy of it, and to request that you will be good enough to submit it to your Government for their consideration.

I have, etc.,

JULIAN PAUNCEFOTE.

AGREEMENT.

[Inclosure in Sir Julian Pauncefote's letter.]

For the purpose of avoiding irritating differences and with a view to promote friendly settlement of the questions pending between the two Governments, touching their respective rights in Behring Sea and for preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party:

(1) Her Majesty's Government will prohibit, until May next, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use best efforts to insure observance of prohibition by British subjects and vessels.

(2) The United States Government will prohibit seal killing for the same period in the same part of Bering Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands as food skins, and not for tax or shipment), and will promptly use best efforts to insure observance of prohibition by United States citizens and vessels.

(3) Every offending vessel or person may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same.

The witnesses and proofs necessary to establish the offense shall also be sent with them, and the court adjudicating upon the case may order such portion of the fines imposed, or of the proceeds of the condemned vessel, to be applied in payment of the expenses occasioned thereby.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case of that Government before arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

(5) A commission of four experts, two nominated by each Government, and a chairman nominated by the arbitrators, if appointed, and, if not, by the aforesaid commission, shall examine and report on the following question:

What international arrangements, if any, between Great Britian and the United States and Russia or any other Power are necessary for the purpose of preserving the fur-seal race in the northern Pacific Ocean from extermination?

(6) The Government of the United States will join with that of Her Majesty in requesting Russia to forbid her subjects from sealing to the east of the line indicated in article No. 1 of the present agreement until the 1st of May, 1892.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 9, 1891.

SIR: I am directed by the President, in response to your note of June 8, delivered this morning, to say that he regrets that, at the moment when the two Governments seemed to have reached an agreement in this matter (which is one calling for the utmost promptness of action), new conditions should be suggested by Lord Salisbury. With the acceptance of the proposition submitted in my last note, relating to permission to British agents to visit the seal islands, an agreement had been reached upon all the conditions that had been previously discussed

or suggessted in this connection. The President does not object to the modification of his proposal suggested in the first article submitted by you, for he assumes that the terms used, while not as strong, perhaps, as those suggested by this Government, do fully commit the Government of Great Britain to prompt and energetic measures in the repression of the killing of seals by the subjects and vessels of that nation.

The proposal submitted by you on June 3 contained this clause: "During the period above specified the United States Government shall have the right to kill 7,500 seals." Now, his lordship adds a most extraordinary, and not altogether clear, condition (I quote), "to be taken on the shores and islands as food skins, and not for tax or shipment."

This new condition is entirely inadmissible and, in the opinion of the President, inconsistent with the assent already given by Her Majesty's Government to the proposition of the United States in that behalf. It had been particularly explained in the correspondence that the lessees of the privilege of taking seals upon the islands assumed obligations to supply to the natives the food and other things necessary for their subsistence and comfort, and that the taking of the limited number of seals was not only to supply flesh to the natives, but, in some part, to recompense the Company for furnishing other necessary articles of food, clothing, and fuel. The President is surprised that it should now be suggested that none of the skins should be removed from the island, and he can not understand how British interests can be promoted by allowing them to go to waste.

The previous communications of Her Majesty's Government had, in the opinion of the President, concluded this matter.

As to the third clause of your proposition, I am directed to say that the contention between the United States and Great Britain has relation solely to the respective rights of the two Governments in the waters of Behring Sea outside of the ordinary territorial limits, and the stipulations for the coöperation of the two Governments during this season have, of course, the same natural limitation. This is recognized in Articles 1 and 2 of your proposal, for you will observe that the obligation assumed by Her Majesty's Government is to prohibit seal killing in a certain part of Behring Sea, whereas the obligation assumed in the second article by the Government of the United States is to prohibit seal killing in the same part of Behring Sea and the shores and islands thereof, the property of the United States. The killing, therefore, of seals on the islands or within the territorial waters of the United States falls only within the prohibition of this Government. His lordship will also see that it is altogether beyond the power of the President to stipulate that an offense committed in the undisputed territory of the United States against its laws shall be triable only in the courts of another nation. The extension of this clause to the territory and territorial waters of the United States, therefore, involves an insuperable legal difficulty on our part and a concession which no independent Government could be expected to make. The mutual police, which is to be stipulated for, could not, in the nature of things, apply to the territorial waters within the undisputed and exclusive jurisdiction of either.

To the fourth clause, which is in substance the same as the proposition made by this Government, no objection is interposed.

As to the fifth clause, I am directed to say that the President regards the proposition to appoint a Joint Commission to investigate and report as to what regulations or international agreements are necessary to preserve the seal fisheries to be one of the incidents of the agreement for arbitration and to have no proper place here. This distinction seems

to have been recognized by his lordship, and his proposal of such a Commission was made part of the separate note discussing the terms of arbitration presented by you on June 3, and has never until now appeared in the correspondence relating to a *modus vivendi*. The President thinks the fourth clause, which has been accepted, makes ample present provision, but will give a full consideration to the suggestion of a Joint Commission in connection with the negotiation for arbitration.

To the sixth and last clause the President directs me to say that, so far as he is aware, no vessel bearing the Russian flag has at any time intruded into the waters described in the proposed agreement. He is entirely in sympathy with the expressed desire of Lord Salisbury to secure such limitations as to the hunting of seals in the whole of Behring Sea as will preserve to mankind this valuable industry; but he does not think that an agreement to unite in any joint note to Russia should be interposed here and at this time. Moreover, Lord Salisbury will perceive that, in the present state of the American law, if Russia should ask for reciprocal action by this Government west of the treaty line, the President would be confronted with the same difficulty that prevented him from extending the agreement with Her Majesty's Government to the whole of Behring Sea.

As the President understands, the adhesion of the two Governments has been given in this correspondence to the following propositions:

For the purpose of avoiding irritating differences and with a view to promote friendly settlement of the questions pending between the two Governments, touching their respective rights in Behring Sea, and for the preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party:

(1) Her Majesty's Government will prohibit, until May next, seal-killing in that part of Bering Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to insure the observance of the prohibition by British subjects and vessels.

(2) The United States Government will prohibit seal-killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to insure the observation of this prohibition by United States citizens and vessels.

(3) Every vessel or person offending against this prohibition in the said waters of Behring Sea, outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proofs necessary to establish the offense shall also be sent with them.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case of that Government before Arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

The President directs me to inform you that the Government of the United States is ready to conclude this agreement, if it can be put into

force immediately. The value of such an agreement to the United States is daily lessening, and the President therefore feels that he must ask that the negotiations be brought to a speedy determination.

I have, etc.,

WILLIAM F. WHARTON.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, June 10, 1891.

SIR: I have the honor to acknowledge the receipt of your note of June 9, delivered this day, in reply to my note of the 8th, in which I transmitted for the consideration of your Government the draft of a proposed agreement for a *modus vivendi* during the present fur-seal fishery season in Behring Sea, with certain modifications and additions suggested therein by the Marquis of Salisbury.

I have telegraphed the substance of your note under reply to his lordship, and I hope to be able to communicate to you his observations thereon in the course of to-morrow or the following day. In the meanwhile, with reference to the complaint that new conditions should have been suggested at this stage by Lord Salisbury, I would beg leave to point out that all his lordship's suggestions are obviously dictated by a desire to render the *modus vivendi* more effective and to do all that is possible in the common interest for the protection and the preservation of the seal species during the present season.

In my humble opinion, therefore, it is to be regretted that those suggestions should not have commended themselves to the favorable consideration of the President. Thus the object of the proposed insertion in article 2 of the words "food skins, and not for tax and shipment," which you qualify as "extraordinary," was not to prevent the export and sale of the 7,500 seal skins, of which the proceeds are intended to cover the cost of food, clothing, fuel, and other necessaries for the natives. Its sole object was to stop the injurious practice of driving and redriving the herds to the killing grounds for selection, which is resorted to in the case of seals killed "for tax and shipment," and is stated by experts to be the main cause of the depletion of male seal life on the islands.

I would refer you on this point to the report of Special Treasury Agent C. J. Goff, laid before Congress (Ex. Doc. No. 49), pp. 4 and 29; also to the report of Assistant Treasury Agent Joseph Murray, at page 8; and that of Assistant Treasury Agent A. W. Lavender, at page 9, of the same Congressional paper.

As regards Lord Salisbury's proposals of a Joint Commission, it is by no means a new one. It has long been called for by public opinion in both countries. It was inserted among Lord Salisbury's last proposals for the Arbitration agreement in the expectation that the latter document would be signed contemporaneously with the agreement for a *modus vivendi*. But as your Government is not prepared to bring the Arbitration negotiation to a conclusion without further consideration, and as it is of the highest importance that the Joint Commission should be appointed at once, in order to enter upon its functions during the present fishery season, Lord Salisbury has had no alternative but to urge the insertion of the article providing for a Joint Commission in the

agreement for the *modus vivendi*, of which it should, in the opinion of Her Majesty's Government, be a component part.

The objection of the President to that article in the *modus vivendi* appears to me to create the greatest difficulty which has yet presented itself in the course of this negotiation, and I earnestly hope that, if Lord Salisbury should be disposed to waive the other conditions to which exception is taken in your note, the President, on his part, will accede to his lordship's wishes in respect of the Joint Commission.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, June 11, 1891.

SIR: With reference to my note of yesterday, and especially to the concluding part of it, I have the honor to inform you that I have this day received by telegraph from the Marquis of Salisbury a reply to the proposal for a *modus vivendi* during the present fur-seal fishery season in Behring Sea, contained in your note of June 9.

His lordship states that the President's refusal to adopt his suggestions with respect to Russia renders the proposed *modus vivendi* much less valuable, and that he is reluctant to abandon the words which he had proposed for insertion in article 2 in relation to the reservation of the 7,500 seals to be killed on the islands.

Nevertheless, in view of the urgency of the case, his lordship is disposed to authorize me to sign the agreement in the precise terms formulated in your note of June 9, provided the question of a joint commission be not left in doubt and that your Government will give an assurance in some form that they will concur in a reference to a joint commission to ascertain what permanent measures are necessary for the preservation of the fur-seal species in the Northern Pacific Ocean.

I have the honor, therefore, to inquire whether the President is prepared to give that assurance, and, if so, I shall, on receipt of it, lose no time in communicating it by telegraph to Lord Salisbury and in applying to his lordship for authority to sign the proposed agreement.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 11, 1891.

SIR: I have the honor to acknowledge the receipt of your note of to-day's date, and in reply I am directed by the President to say that the Government of the United States, recognizing the fact that full and adequate measures for the protection of seal life should embrace the whole of Behring Sea and portions of the North Pacific Ocean, will have no hesitancy in agreeing, in connection with Her Majesty's Government, to the appointment of a joint commission to ascertain what permanent measures are necessary for the preservation of the seal

species in the waters referred to, such an agreement to be signed simultaneously with the convention for arbitration, and to be without prejudice to the questions to be submitted to the arbitrators.

A full reply to your note of June 3 relating to the terms of arbitration will not be long delayed.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, June 13, 1891.

SIR: I lost no time in telegraphing to the Marquis of Salisbury the contents of your note of June 11, conveying the assent of your Government to the appointment, in connection with Her Majesty's Government, of a joint commission for the purpose mentioned in my note to you of the same date, such agreement to be signed simultaneously with the convention for arbitration, and to be without prejudice to the questions to be submitted to the arbitrators.

I informed his lordship at the same time that, in handing me the note under reply, you had assured me that the President was anxious that the commission should be appointed in time to commence its work this season, and that your Government would, on that account, use their utmost efforts to expedite the signature of the arbitration convention.

I now have the honor to inform you that I have this day received a telegraphic reply from Lord Salisbury, in which, while conveying to me authority to sign the proposed agreement for a *modus vivendi* contained in your note of June 9, his lordship desires me to place on record that it is signed by me on the clear understanding that the joint commission will be appointed without delay.

On that understanding, therefore, I shall be prepared to attend at the State Department, for the purpose of signing the agreement, at such time as you may be good enough to appoint.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 13, 1891.

SIR: The President directs me to say, in response to your note of this date, that his assent to the proposition for a joint commission, as expressed in my note of June 9, was given in the expectation that both Governments would use every proper effort to adjust the remaining points of difference in the general correspondence relating to arbitration, and to agree upon the definite terms of a submission and of the appointment of a joint commission without unnecessary delay.

He is glad that an agreement has finally been reached for the pending season; and I beg to say that, if you will call at the Department at 10 o'clock Monday next, I will be glad to put into writing and give formal attestation to the *modus vivendi* which has been agreed upon.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Modus Vivendi respecting the fur-seal fisheries in Behring Sea.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an agreement for a *modus vivendi* between the Government of the United States and the Government of Her Britannic Majesty, in relation to the fur-seal fisheries in Behring Sea, was concluded on the fifteenth day of June, in the year of our Lord one thousand eight hundred and ninety-one, word for word as follows:

Agreement between the Government of the United States and the Government of Her Britannic Majesty for a modus vivendi in relation to the fur-seal fisheries in Behring Sea.

For the purpose of avoiding irritating differences and with a view to promote the friendly settlement of the question pending between the two Governments touching their respective rights in Behring Sea, and for the preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party:

(1) Her Majesty's Government will prohibit, until May next, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in Article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to ensure the observance of this prohibition by British subjects and vessels.

(2) The United States Government will prohibit seal killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to ensure the observance of this prohibition by United States citizens and vessels.

(3) Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proofs necessary to establish the offense shall also be sent with them.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make, with a view to the presentation of the case of that Government before arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

Signed and sealed in duplicate at Washington, this fifteenth day of June, 1891, on behalf of their respective Governments, by William F. Wharton, Acting Secretary of State of the United States, and Sir Julian Pauncefote, G. C. M. G., K. C. B., H. B. M Envoy Extraordinary and Minister Plenipotentiary,

WILLIAM F. WHARTON [SEAL].
JULIAN PAUNCEFOTE [SEAL].

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the said agreement to be

made public, to the end that the same and every part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

In witness hereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fifteenth day of June, in the year of our Lord one thousand eight hundred and ninety-one, and of the Independence of the United States the one hundred and fifteenth.

[SEAL.] BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,
Acting Secretary of State.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 20, 1891.

SIR: I have the honor to transmit to you herewith copies of the instructions that have been issued by the Secretary of the Navy, in pursuance of the proclamation of the President of June 15, 1891, relative to the *modus vivendi* respecting the fur-seal fisheries in Behring Sea.

This Government would be pleased to receive in exchange copies of such instructions as may be issued by Her Britannic Majesty's Government on the same subject.[1]

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, June 21, 1891.

SIR: I have the honor to inform you that I have received a communication from Her Majesty's Principal Secretary of State for Foreign Affairs to the effect that the Queen has been graciously pleased to appoint Sir George Baden Powel, M. P., and Prof. Dawson commissioners to proceed to the Pribilof Islands for the purpose of examining into the fur-seal fishery in Behring Sea.

In accordance with the instruction of the Marquis of Salisbury, I have the honor to request that permission may be granted to these gentlemen to visit and remain on those islands during the current fishery season.

I have, etc.,

JULIAN PAUNCEFOTE.

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[1] For inclosure see Senate Ex. Doc. No. 55, Fifty-second Congress, first session, pp. 47, 48.

Behring Sea modus vivendi.

[Memorandum.]

WASHINGTON, *June 23, 1891.*

The following instructions have been issued to the British senior naval officer at Esquimault: He is to proceed to Behring Sea with Her Majesty's ships *Nymphe* and *Pheasant* and cruise to the eastward of the line of demarcation mentioned in articles 1 and 2 of the *modus vivendi*, warning all British vessels found acting in ignorance of the prohibition. He is to confiscate the sealing equipment of any British vessel found deliberately offending, recording her name and the name of her master for prosecution afterwards. He is to arrest any American vessel found deliberately offending and record her name and the name of her captain, together with the proof of the offense for which she is arrested, informing United States cruisers.

Her Majesty's ship *Porpoise* will be ordered from China to join the other ships under his command. Her Majesty's Government are of opinion that there should be an understanding between the two Governments for mutual indemnities. A cruiser of one nation arresting a vessel of the other can only be justified in doing so as the agent of such other nation, and should therefore act in that character.

Her Majesty's Government, therefore, suggest that the two Governments shall agree to indemnify each other in respect of any acts committed in pursuance of such agency by the cruisers of one nation against the vessels of the other in execution of the *modus vivendi*.

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 25, 1891.

SIR: The correspondence between this Government and that of Her Majesty has happily resulted in an agreement upon the first five propositions, which are to constitute the basis of a proposed arbitration relating to the controversy which has arisen as to the respective rights of the two Governments in the Behring Sea. In the note of Lord Salisbury of the 21st of February last he states his objection to the sixth proposition, as presented in the letter of Mr. Blaine of December 17, 1890, in the following words:

> The sixth question, which deals with the issues that will arise in case the controversy should be decided in favor of Great Britain, would, perhaps, more fitly form the substance of a separate reference. Her Majesty's Government have no objection to referring the general question of a closed time to arbitration, or to ascertain by that means how far the enactment of such a provision is necessary for the preservation of the seal species; but such reference ought not to contain words appearing to attribute special and abnormal rights in the matter to the United States.

I am now directed by the President to submit the following, which he thinks avoids the objection urged by Lord Salisbury:

(6) If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and the preservation of the fur seal in, or habitually resorting to, the Behring Sea, the arbitrators

shall then determine what concurrent regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such regulations should extend; and, to aid them in that determination, the report of the Joint Commission, to be appointed by the respective Governments, shall be laid before them, with such other evidence as either Government may submit. The contracting powers furthermore agree to coöperate in securing the adhesion of other powers to such regulations.

In your note of the 3d instant you propose, on behalf of Her Majesty's Government, the following additional article:

It shall be competent to the Arbitrators to award such compensation as, in their judgment, shall seem equitable to the subjects and citizens of either power who shall be shown to have been damnified in the pursuit of the industry of sealing by the action of the other power.

The President can not give his assent to this form of submitting the question of compensation. It entirely omits notice of the important fact that the Government of the United States, as the owners of the seal fisheries on the Pribilof Islands, has interests which have been injuriously affected by the pelagic sealing, of which complaint has been made in this correspondence.

This Government has derived a very large annual income from this property, and that income has, in the opinion of the President, been very seriously impaired and imperiled by the destruction of the seal in the sea while passing to and from the breeding grounds on these islands. The Government of Her Majesty has directly interposed to support the Canadian sealers, and will not, the President assumes, desire to avoid responsibility for any damages which have resulted to the United States or to its citizens, if it shall be found by the Arbitrators that the pursuit of seals by these Canadian vessels in the sea was an infraction of the rights and an injury to the property of this Government. The proposal submitted by you distinctly limits the liability of Her Majesty's Government, in case of a decision in favor of the United States, to compensation to the citizens of this country. It will be apparent to Lord Salisbury that whatever damages have resulted from pelagic sealing as pursued by vessels flying the British flag have accrued to the United States or to its lessees. The President does not doubt that the purpose of Her Majesty's Government, in the proposal under discussion, was to secure the party injured equitable compensation for injuries resulting from what may be found by the Arbitrators to have been the unlawful and injurious act of either Government.

From the note of Lord Salisbury of February 21, to which reference has been made, I quote the following:

There is one omission in these questions which I have no doubt the Government of the President will be very glad to repair, and that is the reference to the Arbitrator of the question, what damages are due to the persons who have been injured, in case it shall be determined by him that the action of the United States in seizing British vessels has been without warrant in international law.

I am directed by the President to propose the following seventh and final clause in the basis of arbitration:

(7) It shall be competent to the Arbitrators to award such compensation as, in their judgment, shall seem equitable to the subjects or citizens of Great Britain whose vessels may have been seized by the United States in the Behring Sea, if such seizures shall be found by the Arbitrators to have been unwarranted; and it shall also be competent to the Arbitrators to award to the United States such compensation as, in their judgment, shall seem equitable for any injuries resulting to the

United States or to the lessees from that Government of the privilege of taking seals on the Pribilof Islands by reason of the killing of seals in the Behring Sea by persons acting under the protection of the British flag, outside of the ordinary territorial limits, and since the 1st day of January, 1886, if such killing shall be found to have been an infraction of the rights of the United States.

It being understood that an arrangement for a Joint Commission is to be made contemporaneously with the conclusion of the terms of arbitration, I am directed by the President to propose the following separate agreement:

Each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Government all the facts having relation to seal life in Behring Sea and the measures necessary for its proper protection and preservation. The four Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments; and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree. These reports shall not be made public until they shall be submitted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators can not arise.

I have, etc.,

WILLIAM F. WHARTON.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 26, 1891.

SIR: In accordance with the request contained in your note of the 21st instant, I have the honor to transmit to you herewith a letter addressed by the Acting Secretary of the Treasury to William H. Williams, Esq., special agent in charge of the seal fisheries in Alaska, instructing him to afford to Sir George Baden Powell, M. P., and Prof. George Mercer Dawson, agents of Her Britannic Majesty to the Pribilof Islands, the facilities desired to enable them to examine into the fur-seal fisheries in Behring Sea.

I have, etc.,

WILLIAM F. WHARTON.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 26, 1891.

The Acting Secretary of State presents his compliments to the British Minister, and has the honor to state that the memorandum that Sir Julian Pauncefote left at the Department of State on the 24th instant, relative to the instructions given to Her Britannic Majesty's vessels in Behring Sea, was immediately communicated to the Navy Department for its information.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, June 27, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant in relation to the proposed Behring Sea Arbitration, and to inform you that I transmitted a copy of it to the Marquis of Salisbury by the mail of the 26th.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, July 3, 1891.

SIR: Her Majesty's Government having appointed two agents to visit the Behring Sea under the agreement between that Government and the United States of date June 15, 1891. and the President being about to designate two persons to visit the Behring Sea for the purpose of examining all questions connected with seal life in that sea and the adjacent waters, I have the honor to propose that arrangements be made to have these agents of the respective Governments go together, so that they may make their observations conjointly.

Awaiting such communication as Her Majesty's Government may desire to make upon the subject,

I have, etc.,

WILLIAM F. WHARTON.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, July 6, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 3d, instant, in which you propose that arrangements be made to enable the agents appointed by our respective Governments to visit the Behring Sea for the purpose of examining into seal life to go together, so that they may make their observations conjointly.

I at once communicated this proposal to the Marquis of Salisbury by telegram, and I have received a reply from his lordship to the effect that a ship has already been chartered to take the British Commissioners to the seal islands, and that the engagement could not now be canceled, but that the British Commissioners will be instructed, when they arrive in the islands, to coöperate as much as possible with the Commissioners to be appointed by your Government for the purposes of the inquiry.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, July 6, 1891.

SIR: I have the honor to transmit to you herewith, in accordance with instructions which I have received from the Marquis of Salisbury, copies of an act of Parliament enabling Her Majesty the Queen to prohibit by order in council the catching of seals by British ships in Behring Sea.

I likewise inclose copies of an order of Her Majesty in council issued in virtue of the powers given by the said act and prohibiting the catching of seals by British ships in Behring Sea, within the limits defined therein, from the 24th of June last until the 1st of May, 1892.

I have, etc.,

JULIAN PAUNCEFOTE.

ORDER IN COUNCIL.

[Inclosure 1 in Sir Julian Pauncefote's note.]

At the court at Windsor, the 23d day of June, 1891. Present, the Queen's Most Excellent Majesty, Lord President, Earl of Limerick, Marquis of Salisbury, and Lord Arthur Hill.

Whereas by the seal fishery (Behring Sea) act, 1891, it is enacted that Her Majesty the Queen may by order in council prohibit the catching of seals by British ships in Behring Sea or such part thereof as is defined by the said order, during the period limited by the order:

And whereas the expression "Behring's Sea" in the said act means the seas known as Behring Sea within the limits described in an order under the said act.

Now therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, by and with the advice of her privy council, is hereby pleased to order, and it is hereby ordered, as follows:

(1) This order may be cited as the seal fishery (Behring Sea) order in council, 1891.

(2) From and after the 24th day of June, 1891, until the 1st day of May, 1892, the catching of seals by British ships in Behring Sea as hereinafter defined is hereby prohibited.

(3) For the purposes of the said recited act and of this order the expression "Behring's Sea" means so much of that part of the Pacific Ocean known as Behring Sea as lies between the parallel of 65° 30′ north latitude and the chain of the Aleutian Islands, and eastward of the following line of demarcation, that is to say, a line commencing at a point in Behring Straits on the said parallel of 65° 30′ north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook and the island of Ratmanoff or Noonarbook; and proceeding thence in a course nearly southwest through Behring Straits and the seas known as Behring Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski to the meridian of 172° west longitude; thence from the intersection of that meridian in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormanderski couplet or group in the North Pacific Ocean, to the meridian of 193° west longitude.

C. L. PEEL.

SEAL FISHERY (BEHRING'S SEA) ACT, 1891.

[Enclosure 2 in Sir Julian Pauncefote's note.]

54 Vict.] CHAPTER 19.

AN ACT to enable Her Majesty, by order in council, to make special provision for prohibiting the catching of seals in Behring's Sea by Her Majesty's subjects during the period named in the order. (11th June, 1891.)

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. (1) Her Majesty the Queen may, by order in council, prohibit the catching of

seals by British ships in Behring's Sea, or such part thereof as is defined by the said order, during the period limited by the order.

(2) While an order in council under this act is in force—

(*a*) A person belonging to a British ship shall not kill, or take, or hunt, or attempt to kill or take, any seal within Behring's Sea during the period limited by the order; and

(*b*) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3) If there is any contravention of this act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanor within the meaning of the merchant shipping act, 1854, and the ship and her equipment and everything on board thereof shall be forfeited to Her Majesty as if an offense had been committed under section 103 of the said act, and the provisions of sections 103 and 104 and part 10 of the said act (which are set out in the schedule to this act) shall apply as if they were herein reënacted and in terms made applicable to an offense and forfeiture under this act.

(4) Any commissioned officer on full pay in the naval service of Her Majesty shall have power, during the period limited by the order, to stop and examine any British ship in Behring's Sea, and to detain her, or any portion of her equipment, or any of her crew, if in his judgment the ship is being or is preparing to be used or employed in contravention of this section.

(5) If a British ship is found within Behring's Sea having on board thereof fishing or shooting implements or seal skins or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this act.

2. (1) Her Majesty the Queen in council may make, revoke, and alter orders for the purposes of this act, and every such order shall be forthwith laid before both houses of Parliament and published in the London Gazette.

(2) Any such order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in council expedient for carrying into effect the object of this act.

3. (1) This act shall apply to the animal known as the fur seal, and to any marine animal specified in that behalf by an order in council under this act, and the expression "seal" in this act shall be construed accordingly.

(2) The expression "Behring's Sea" in this act means the seas known as Behring's Sea within the limits described in an order under this act.

(3) The expression "equipment" in this act includes any boat, tackle, fishing or shooting instruments, and other things belonging to the ship.

(4) This act may be cited as the seal fishery (Behring's Sea) act, 1891.

SCHEDULE.

ENACTMENTS OF MERCHANT SHIPPING ACT (17 AND 18 VICT., C. 104) APPLIED.

SECTION 103. * * * And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the high court of admiralty in England or Ireland, or any court having admiralty jurisdiction in Her Majesty's dominions; and such court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

SEC. 104. No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown, such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

For the remaining part of this inclosure, entitled "Legal Procedure," see Senate Ex. Doc. No. 55, Fifty-second Congress, first session, pp. 55–58.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, July 7, 1891.

SIR: With reference to the memorandum which I left in your hands on the 23d ultimo, respecting the British instructions to naval officers in the Behring Sea, I have the honor to transmit herewith, by direction of the Marquis of Salisbury, a full note of the instructions sent to the senior British naval officer on the North Pacific station with regard to the steps to be taken to prohibit the killing of seals in certain specified portions of the Behring Sea.[1]

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, July 8, 1891.

SIR: I have the honor to acknowledge, with thanks, the receipt of the copies of an act of Parliament relating to the catching of seals by British ships in Behring Sea, and also of the copies of an order of Her Britannic Majesty in council on the same subject, that accompanied your note of the 6th instant.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, July 9, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, with accompanying copy of the instructions to Her Britannic Majesty's officers in Behring Sea, and to inform you that I have communicated a copy thereof to the American Navy Department.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, July 13, 1891.

SIR: Since the receipt of your note of the 25th ultimo, of which I transmitted a copy to the Marquis of Salisbury, I have been in telegraphic communication with his lordship respecting the two clauses (6 and 7) which, by direction of the President, you have proposed for adoption in the Behring Sea arbitration convention, and also respecting

[1] For inclosure see Senate Ex. Doc. No. 55, p. 59.

the form of agreement for carrying out the arrangement for the appointment of a joint commission to inquire into the conditions of seal life in Behring Sea.

I desire at present to confine myself to the clause proposed in your note which deals with the question of compensation, namely, clause 7. It is the only one which appears to me to raise any serious difficulty, and I trust that, after considering the following observations, and with a view to expediting the conclusion of this negotiation, the President will not object to the substitution of a clause in the form which I shall presently have the honor to submit.

Her Majesty's Government have no desire to exclude from the consideration of the arbitrators any claim of compensation in relation to the Behring Sea fisheries which the United States Government may believe themselves entitled to prefer consistently with the recognized principles of international law. But they are of opinion that it is inexpedient, in a case involving such important issues and presenting such novel features, to prejudge, as it were, the question of liability by declaring that compensation shall be awarded on a hypothetical state of facts. Her Majesty's Government consider that any legal liability arising out of the facts, as proved and established at the arbitration, should be as much a question for argument and decision as the facts themselves; and, in order that this should be made quite clear and that both Governments should be placed, in that respect, on the same footing, I am authorized by Lord Salisbury to submit the following clause in substitution for the seventh clause proposed by the President:

"7. Either Government may submit to the arbitrators any claim for compensation which it may desire to prefer against the other Government in respect of any losses or injuries in relation to the fur-seal fishery in Behring Sea for which such other Government may be legally liable. The arbitrators shall decide on the legality of every such claim, and, if it shall be established, they may award such compensation as, in their judgment, shall seem equitable.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, July 23, 1891.

SIR: The President directs me to say, in response to your note of the 13th instant, that he notices with pleasure the good progress toward a full agreement upon the terms of arbitration indicated by your statement that only the seventh clause as proposed by this Government appears to you "to raise any serious difficulty."

That clause was thus stated in my note of June 25:

It shall be competent to the arbitrators to award such compensation as, in their judgment, shall seem equitable to the subjects or citizens of Great Britain whose vessels may have been seized by the United States in the Behring Sea, if such seizures shall be found by the arbitrators to have been unwarranted; and it shall also be competent to the arbitrators to award to the United States such compensation as, in their judgment, shall seem equitable for any injuries resulting to the United States or to the lessees from that Government of the privilege of taking seals on the Pribilof Islands, by reason of the killing of seals in the Behring Sea by persons acting under the protection of the British flag, outside of the ordinary territorial limits, and since the 1st day of January, 1886, if such killing shall be found to have been an infraction of the rights of the United States.

The objection you made to this clause is thus stated by you:

> Her Majesty's Government have no desire to exclude from the consideration of the arbitrators any claim of compensation in relation to the Behring Sea fisheries which the United States Government may believe themselves entitled to prefer consistently with the recognized principles of international law. But they are of opinion that it is inexpedient, in a case involving such important issues and presenting such novel features, to prejudge, as it were, the question of liability by declaring that compensation shall be awarded on a hypothetical state of facts. Her Majesty's Government consider that any legal liability arising out of the facts as proved and established at the arbitration should be as much a question for argument and decision as the facts themselves, and, in order that this should be made quite clear, and that both Governments should be placed, in that respect, on the same footing, etc.

The President was not prepared to anticipate this objection, in view of the fact that Lord Salisbury, in his note of February 21 last, had asked a specific submission to the arbitrators of the British claim for seizures made in the Behring Sea. His language, which was quoted in my note of June 25, was as follows:

> There is one omission in these questions which I have no doubt the Government of the President will be very glad to repair, and that is the reference to the arbitrator of the question, what damages are due to the persons who have been injured, in case it shall be determined by him that the action of the United States in seizing British vessels has been without warrant in international law.

This could only be understood as a suggestion that the claims of the respective Governments should be stated and given a specific reference. And so, in the seventh clause proposed, the claim of Great Britain for seizures made is defined and referred to in terms so correspondent to the request of Lord Salisbury that it can not be supposed objection would have been made to it if it had stood alone. But a particular statement of the British claim for compensation certainly made proper and even necessary a like statement of the claims of the United States, and the President is not able to see that the reference proposed was in any respect unequal. If it should be found by the arbitrators that the United States had, without right, seized British vessels in the Behring Sea, the arbitrators were authorized to give compensation; and if, on the other hand, these and other British vessels were found to have visited that sea and to have killed seals therein in violation of the rights of the United States and to the injury of its property interests, the arbitrators were authorized to give compensation. One is not more subject to the objection that it presents a hypothetical state of facts than the other, and both submit the question of the lawfulness or unlawfulness of the acts complained of.

The President believes that Her Majesty's Government may justly be held responsible, under the attendant circumstances, for injuries done to the jurisdictional or property rights of the United States by the sealing vessels flying the British flag, at least since the date when the right of these vessels to invade the Behring Sea and to pursue therein the business of pelagic sealing was made the subject of diplomatic intervention by Lord Salisbury. In his opinion justice requires that Her Majesty's Government should respond for the injuries done by those vessels, if their acts are found to have been wrongful, as fully as if each had borne a commission from that Government to do the acts complained of. The presence of the master or even of a third person, under circumstances calculated and intended to give encouragement, creates a liability for trespass at the common law, and much more if his presence is accompanied with declarations of right, protests against the defense which the owner is endeavoring to make, and a declared purpose to aid the trespassers if they are resisted. The justice of this rule

is so apparent that it is not seen how in the less technical tribunal of an international arbitration it could be held to be inapplicable.

The United States might well insist that Her Majesty's Government should admit responsibility for the acts of the Canadian sealers, which it has so directly encouraged and promoted, precisely as in the proposal the United States admits responsibility for the acts of its revenue vessels. But, with a view to remove what seems to be the last point of difference in a discussion which has been very much protracted, the President is willing to modify his proposal and directs me to offer the following:

The Government of Great Britain having presented the claims of its subjects for compensation for the seizure of their vessels by the United States in Behring Sea and the Government of the United States having presented on its own behalf, as well as of the lessees of the privilege of taking seals on the Pribilof Islands, claims for compensation by reason of the killing of seals in the Behring Sea by persons acting under the protection of the British flag, the arbitrators shall consider and decide upon such claims in accordance with justice and equity and the respective rights of the high contracting parties, and it shall be competent for the Arbitrators to award such compensation as, in their judgment, shall seem equitable.

The President thinks that a particular statement of the claims of the respective Governments is more likely to lead to a satisfactory result than the general reference proposed by you. It is believed that the form of reference now proposed by him removes the objections urged by you to his former proposal.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Newport, R. I., August 8, 1891.

SIR: On the 23d of June last I had the honor to place in your hands a memorandum embodying the substance of the instructions issued to British cruisers in Behring Sea in pursuance of the *modus vivendi* signed on the 15th of that month. The memorandum also contained a proposal for an agreement between the Government of Great Britain and of the United States for mutual indemnities in respect of acts committed by the cruisers of one nation against the vessels of the other in execution of the *modus vivendi*.

To that proposal I have not as yet been favored with a reply, and I should be extremely obliged if you would be good enough to inform me at your earliest convenience of the views of your Government with respect to the suggested agreement.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, August 17, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant, in which you refer to a memorandum of June 23, left with me June 24, in which you submitted a proposal for an agreement be-

tween the Governments of Great Britain and the United States for mutual indemnities in respect of acts committed by the cruisers of one nation against the vessels of the other in execution of the *modus vivendi*.

The President desires me to say in reply that it seems to him to be quite unnatural that the two Governments, having come to a friendly understanding as to a *modus vivendi* and the method of its enforcement, should anticipate or attempt to provide against possible breaches or violations of duty by the vessels of either country. It will be time enough, in the President's opinion, when either Government lodges against the other a complaint in this regard, to consider the question of indemnity. The President desires me to state that he hopes that no such question may arise, but that he will be prepared to meet it in a friendly spirit, if, unfortunately, differences should develop.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, August 22, 1891.

SIR: Referring to my note to you of the 23d ultimo, relative to the proposed agreement of arbitration of certain matters affecting the seal fisheries in Behring Sea, I would be extremely obliged if you would be kind enough to inform me when an answer to the same may be expected.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Newport, August 24, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, in which you ask me to inform you when you may expect an answer to your note of the 23d ultimo, relative to the proposed agreement of arbitration of certain matters affecting the seal fisheries in Behring Sea.

I very much regret that I have not yet been in a position to reply to the note in question, but I hope to be able to do so in the course of the next few days.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Wharton.

[Telegram.]

NEWPORT, R. I., *August 26, 1891.*

Your note of 22d. Important letter posted to-day.

PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Wharton.

[Private and unofficial.]

BRITISH LEGATION,
Newport, R. I., August 26, 1891.

DEAR MR. WHARTON: In my reply to your official note of the 22d instant I stated that I hoped to be able to send an answer to your note of the 23d ultimo in a few days.

Before doing so, however, I am anxious to explain to you privately and unofficially by letter, as I would do verbally were I in Washington, the objection which my Government entertain to the latest form of clause relating to compensation which has been proposed by the President for adoption as article 7 in the Behring Sea arbitration agreement. Such a private and unofficial exchange of views at this point of the negotiations may abridge the official correspondence and facilitate a solution of the present difficulty, on the basis of a suggestion which you made when we discussed the questions informally at Washington.

My Government are unable to accept the form of clause proposed by the President because it appears to them, taken in connection with your note of the 23d ultimo, to imply an admission on their part of a doctrine respecting the liability of Governments for the acts of their nationals or others persons sailing under their flag on the high seas which is not warranted by international law and to which they can not subscribe.

I need hardly say that the discussion of such a point (which, after all, may never arise) must prolong the negotiation indefinitely. Moreover, it seems premature to enter into such a discussion before the other questions to be submitted to the Arbitrators have been determined and all the facts on which any liability can arise have been ascertained.

Your suggestion, to which I have referred, was to leave out altogether the question of damages from the arbitration agreement, and you may remember that at the time I did not encourage the idea, not apprehending that the clause would give rise to such protracted discussion, and being, moreover, anxious that the settlement to be arrived at should embrace and finally dispose of every point in controversy.

There is a middle course, however, which appears to me to commend itself, from every point of view, as a practical and logical solution of the present difficulty. It is to omit the seventh clause, as to compensation, and to insert in its place a clause referring to the Arbitrators any question of fact which either Government may put to them with reference to the claims for compensation it believes itself to possess. The application of the facts to international law might be a matter for negotiation after they are determined, and, if the two Governments agree, might be referred, in whole or in part, to the arbitrators. The clause might be worded as follows:

CLAUSE 7. Either of the two Governments may submit to the Arbitrators any question of fact which it may wish to put before them in reference to the claims for compensation which it believes itself or its nationals to possess against the other.

The question whether or not, and to what extent, those facts, as determined by the Arbitrators and taken in connection with their decision upon the other questions submitted to them, render such claims valid according to the principles of international law shall be a matter of subsequent negotiations, and may, if the two powers agree, be referred, in whole or in part, to the Arbitrators.

I do not, of course, propose the above wording as definite. It should be open to amendment on either side. But if, after submitting it to the President, you should be able to inform me privately that such a clause,

under the circumstances, would be acceptable to your Government. I would then address you officially in reply to your note of the 23d ultimo and formally make the above proposal, stating the grounds on which it is based. Hoping that this mode of settlement of the last point in dispute will meet with your approval, and that this effort on my part to bring the negotiation at once to a satisfactory termination may be successful,

I remain, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Newport, August 26, 1891.

SIR: In accordance with instructions which I have received from Her Majesty's principal secretary of state for foreign affairs, I have the honor to inform you that the British Behring Sea Commissioners have reported, in a communication dated Seal Island, August 5, that they find that this year's catch of seals already materially exceeds 7,500, and that the United States agent permits the killing of seals to continue, assuming that the limitation agreed upon commences from the date of the signature of the *modus vivendi*.

In bringing this information to your notice I am at the same time instructed to express the conviction of Her Majesty's Government that the President will not countenance any evasion of the true spirit of this agreement, and that he will take whatever measures appear to him to be necessary to insure its strict observance.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, September 2, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 26th ultimo, complaining that the United States agent at the seal islands is violating the agreement of June 15, 1891, by permitting the killing of a larger number of seals than is stipulated thereunder.

Your statement shall receive the immediate attention of this Government.

Meanwhile, I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Sir Julian Pauncefote.

[Private and unofficial.]

DEPARTMENT OF STATE,
Washington, September 7, 1891.

MY DEAR SIR JULIAN: Your private and unofficial note of August 26 was duly received, and I desire now to reply to it in the same private and unofficial manner. The President is unable to see how the damage

clause last proposed by him can be held to imply an admission on the part of Great Britain "of a doctrine respecting the liability of Governments for the acts of their nationals or other persons sailing under their flag on the high seas, which is not warranted by international law." The proposition was expressly framed so as to submit to the Arbitrators the question of the liability of Great Britain for the acts of vessels sailing under its flag. It did not assume a liability, but was framed expressly to avoid this objection, which had been urged against the previous proposal. I quote from my note of July 23:

> The United States might well insist that Her Majesty's Government should admit responsibility for the acts of the Canadian sealers, which it has so directly encouraged and promoted, precisely as in the proposal the United States admits responsibility for the acts of the revenue vessels. But, with a view to remove what seems to be the last point of difference in a discussion which has been very much protracted, the President is willing to modify his proposal and directs me to offer the following:

The claim of the United States was stated in my note of July 23, accompanying the proposal, and the President does not see how the claims of the respective Governments could be more fairly or fully submitted. This Government proposes to submit to the Arbitrators the question whether Great Britain is liable for the injury done to the seal fisheries, the property of the United States, by the Canadian vessels that have, under the stimulation and support of the British Government, been for several years engaged in the Behring Sea. The proposal of this Government was that the Arbitrators should consider and decide such claims in accordance with justice and equity and the respective rights of the high contracting parties.

The President is unable to accept the last suggestion which you make in your note, as it seems to him to be entirely ineffectual. The facts connected with the seizure of Canadian sealers by the revenue vessels of the United States, on the one hand, and with the invasion of the sea and the taking of seals by the Canadian sealers on the other, are well known, and doubtless could be agreed upon by the respective Governments without difficulty. It is over the question of liability to respond in damages for these acts that the controversy exists, and the President can see no other course for this Government than to insist upon the submission of the question of the liability of Great Britain for the acts it complains of to Arbitrators. This Government does not insist that Great Britain shall admit any liability for the acts complained of, but it may well insist, if this Arbitration is to result in any effectual settlement of the differences between the two Governments, that the question of Great Britain's liability shall go to the Arbitrators for decision.

If you have any suggestions to make in support of the objection that the proposal made by the President assumes a liability on the part of Great Britain, the President will be very glad to receive them, and, if necessary, to reconsider the phraseology; but, upon a careful and critical examination of the proposition, he is unable to see that the objection now made has any support in the terms of the proposal.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, October 10, 1891.

SIR: It is a source of regret that an answer has been so long delayed to your note of August 26 last, relating to the communication of the British Behring Sea Commissioners as to the alleged killing of seals on the seal islands in excess of the number fixed by the agreement of June 15 last. This delay has been occasioned by the necessity of receiving from the United States agent in charge of the islands a full report on the subject.

The agent reports that he reached the islands on the 10th day of June, 1891; that from the 1st of January to the 1st of May, 1891, no seals were killed on the islands; and that from May 1 to June 10, the date of the agent's arrival, there were killed by the natives for food 1,651 seals. On the morning of June 11 the agent gave permission to the lessees to commence killing under the contract with the Government of the United States, and he states that from the 11th to the 15th of June 2,920 seals were killed; and that from June 15 to July 2, the date of the arrival of the steamer *Corwin* bringing the proclamation of the President of the United States containing the notice and text of the *modus vivendi*, there were killed 4,471 seals. From July 2 to August 10 there were killed for the use of the natives as food 1,796 seals, and, on leaving the islands, the agent gave instructions to limit the number to be killed by the natives for food up to May 1, 1892, to 1,233.

The instructions of the Secretary of the Treasury to the agent, received by the steamer *Corwin*, were that if in any way his previous instructions were inconsistent with the President's proclamation and the agreement embraced in it he should be governed by the latter. The agent reports that, after careful consideration of the text of the agreement, he decided that the seals killed since June 15, the date when that instrument was signed, should be deducted from the 7,500 named in article 2, thus leaving 3,029 seals to be taken "for the subsistence and care of the natives" from July 2, 1891, to May 1, 1892. He says that, in his desire to carry out with absolute correctness the *modus vivendi*, he consulted the two United States Commissioners (Messrs. Mendenhall and Merriam), the commanders of the United States vessels *Mohican*, *Thetis*, and *Corwin*, the United States special agent, and the special inspector, and that they all concurred in his interpretation of paragraph 2 of the agreement, that seals killed prior to June 15 did not form part of the 7,500 named in the *modus vivendi*. He further says that in his first meeting with the British Commissioners, Sir George Baden-Powell and Dr. G. M. Dawson, July 28, he submitted the same question to them. Their reply was that it was the understanding of the British Government that only 7,500 seals should be taken during the season; but, on examining the text of the agreement, they admitted that the agent's interpretation of it was correct. This statement as to the views of the British Commissioners is confirmed by the report of Professor Mendenhall.

The agent claims that his action is not only strictly in accord with the language of the agreement, but with the true intent and spirit of the same, as he understood that intent and spirit in the light of all the facts in his possession. He understood that the object of the agreement in allowing 7,500 seals to be killed was "for the subsistence and care of the natives." The 1,651 seals killed by the natives for food

from May 1 to June 10 were almost immediately eaten by them, as is their custom after the scanty supply of meat during the winter and spring months, and no part of these seals was salted or preserved for future use. During the killing season by the lessees under their quota for commercial purposes, the natives are kept very busy and have no time to prepare meat for future use, and only so much is used for food as is cut off for present use; so that the seals killed between June 10, when the season commenced, and July 2, when the notice of the *modus vivendi* was received, were not available for the future subsistence of the natives. As stated, there only remained 3,029 seals to be taken for their subsistence from July 2, 1891, to May 1, 1892. The agent cites the fact that from the close of the commercial killing season of 1890, on July 20, there were killed by the natives for food up to December 31, 1890, 6,218 seals, including 3,468 pup seals, the further killing of the latter being now prohibited. It was plain to the agent that, under the construction which he had placed upon the *modus vivendi*, the supply of meat for the natives during the coming winter would be entirely inadequate, and before his departure from the islands he called upon the lessees to bring in a sufficient supply of salt beef to carry the natives through the winter and up to May 1, 1892.

The agent had no means of determining the scope and meaning of the phrase of the British Commissioners, as used in your note, "this year's catch," or "the catch of this season," as used in their communication to him dated July 30, except by the interpretation to be given to the text of the *modus vivendi*, as contained in paragraphs 1 and 2. The "same period," found in paragraph 2, he understood to refer to the period within which the British Government undertook to prohibit seal-killing in Behring Sea. The British Commissioners informed the agent that, as to the British Government, this period did not begin until a reasonable time after June 15 (the date of signing) sufficient for the naval vessels to reach the sea. The agent interpreted the paragraphs cited as mutually binding, and he could not assume that it would be claimed that their provisions were to take effect on one date in the interest of the British sealers and on another in the interest of the United States.

I have thus taken pains to communicate to you in some detail the action of the agent of the United States on the subject complained of by the British Commissioners, and I hope what has been set forth will convince your Government that there has been no disposition on the part of the agent to evade or violate the stipulations of the agreement of June 15 last.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, October 12, 1891.

MY DEAR SIR JULIAN: On July 23 last I wrote you a note presenting a proposal for the settlement of claims for damages which was to form a part of the proposed agreement of arbitration of certain matters affecting the seal fisheries in Behring Sea. On August 22 I wrote requesting you to be kind enough to inform me when an answer to my note

might be expected. On August 24 you wrote me acknowledging the receipt of mine of August 22 and expressing the hope that you would be in a position to reply to my note of July 23 in the course of the next few days. More than ten weeks have elapsed since sending you my note of July 23, and no answer to it has yet been received. The President is very desirous to have a conclusion reached in the negotiations concerning the Behring Sea matters, and has requested me to draw your attention again to the importance of an early reply to his latest proposal. The period fixed by the agreement for a *modus vivendi* expires May 2 next. The time within which it is hoped to obtain a final settlement of the questions in dispute between the two Governments is fast going by, and the President feels that, if any effective action is to be had in the matter before the next fishing season opens, all the terms of agreement of arbitration should be disposed of immediately.

Very truly yours,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, October 13, 1891.

MY DEAR MR. WHARTON: On receipt of your letter of yesterday, asking for a reply to your note of July 23 last, containing a form of clause proposed by your Government to be inserted in the Behring Sea Arbitration agreement to settle the long-debated question of damages, I telegraphed to Lord Salisbury for further instructions, informing him of the substance of your communication.

I understand that his lordship is expected in London this week from the south of Europe, and I shall probably therefore receive an answer to my telegram before many days.

Although, as you observe, more than ten weeks have elapsed since the date of your official note above referred to, I need hardly remind you that the intervening time has been taken up with informal discussions between us with a view to finding a solution of the difficulty without unduly lengthening the official correspondence. This informal interchange of views, which no doubt had the approval of the President, has not been without advantage in throwing light on the troublesome question which still impedes the conclusion of the agreement, and I now hope I may soon be in a position to resume the official correspondence.

Very truly yours,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, October 17, 1891.

SIR: Immediately on the receipt of your note of the 23d of July last, relative to the form of compensation clause to be inserted in the Behring Sea Arbitration agreement, I transmitted a copy of it to the Marquis of Salisbury.

Since then I have been in correspondence with his lordship respecting the new form of clause on that subject proposed in your note as article 7.

I regret to inform you that Her Majesty's Government, after the fullest consideration, have arrived at the conclusion that this new clause could not properly be assented to by them. In their opinion it implies an admission of a doctrine respecting the liability of governments for the acts of their nationals or other persons sailing under their flag on the high seas, for which there is no warrant in the law of nations. Thus it contains the following words:

The Government of the United States having presented on its own behalf, as well as of the lessees of the privilege of taking seals on the Pribilof Islands claims for compensation by reason of the killing of seals in Behring Sea by persons acting under the protection of the British flag, the Arbitrators shall consider and decide upon such claims, etc.

These words involve the proposition that Her Majesty's Government are liable to make good losses resulting from the wrongful action of persons sailing outside their jurisdiction under the British flag.

Her Majesty's Government could not accept such a doctrine. The article dealing with the question of compensation is therefore likely to give occasion for lengthy negotiations, which must retard indefinitely the decision of the main questions of law, on which the validity of the claims of either Government entirely depends.

Both Governments being equally desirous to find a prompt solution of the difficulty which now impedes the conclusion of the Arbitration agreement, Lord Salisbury has authorized me to make the following proposal: His lordship suggests that the six articles of the Arbitration agreement already accepted by both Governments should be signed now, and also an article providing for the reference to the Arbitrators of any question of fact which either Government may desire to submit to them regarding the claims for compensation to which it considers itself to be entitled. The application of international law to those facts would be left as a matter for future negotiation after they shall have been ascertained, and might be subsequently referred to the Arbitrators, in whole or in part, if the two Governments should agree to do so.

The above proposal presents so logical and practical an issue out of the difficulty that I can not but think that it will commend itself to the favorable consideration of the President, and I hope it will meet with his acceptance.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, October 22, 1891.

SIR: I have laid before the President your note of the 17th instant, and he directs me to express his regret that your Government has not seen fit to accept the modified form of the seventh clause which was proposed in my note of July 23 last.

This modification of the clause in question was made with a view to obviate the objection urged in your note of July 13, and the President is unable to see how it can be held to imply an admission on the part of Great Britain "of a doctrine respecting the liability of governments for

the acts of their nationals or other persons sailing under their flag on the high seas, for which there is no warrant in international law." The proposition was expressly framed so as to submit to the Arbitrators the question of the liability of each Government for specified acts complained of by the other, and its language no more implies an admission of liability on the part of one Government than on the part of the other. It is precisely because the two Governments can not agree as to the question of liability that arbitration becomes necessary.

The facts upon which the respective claims for compensation rest are not seriously in dispute, to wit, the seizure of vessels and the killing of seals in Behring Sea, and it would probably not require the aid of arbitrators for their ascertainment. But it is the more important and difficult question of liability respecting which the two Governments find it necessary to invoke the interposition of impartial arbitration. It was not the intention of this Government to require of Great Britain any admission of liability for the acts complained of, but it has felt that, if the Arbitration was to result in a full settlement of the differences between the two Governments, the question of respective liability for these acts should go to the Arbitrators for decision.

In the informal conferences which have taken place between us since the date of my note of July 25, you will remember that I have solicited from you any suggestions in support of the objection that the modified clause assumes a liability on the part of your Government, having in view on my part an amendment of the phraseology to overcome the objection; and I have to express disappointment that no such suggestions were found in your note of the 17th instant. It was for this reason and in the hope that the clause might be made acceptable to your Government that after the receipt of your note I submitted to you informally the following amendment to be added to the seventh clause, as proposed in my note of July 23:

> The above provision for the submission to the Arbitrators by the United States of claims for compensation by reason of the killing of seals by persons acting under the protection of the British flag shall not be considered as implying any admission on the part of the Government of Great Britain of its liability for the acts of its nationals or other persons sailing under its flag.

We have now been informed by you that your Government is unwilling to accept the clause even with this addition by way of amendment.

When in your note of February 21 last you communicated the desire of Lord Salisbury for a "reference to the Arbitrator of the question of damages due to persons who have been injured, in case it should be determined by him that the action of the United States in seizing British vessels has been without warrant in international law," the President cheerfully accepted the suggestion, and, coupling with it the claim of damages preferred by the United States, proposed to submit both questions, as presented by the respective Governments, to arbitration, thus making a complete and final settlement of all differences between the two Governments connected with the seal fisheries. To withdraw this comprehensive submission of specified claims and substitute for it a mere reference to the Arbitrator of questions of fact touching the same claims which are not to be held binding upon either Government, as you propose, is, in the opinion of the President, an imperfect, and, he fears, may prove an ineffectual, disposition of the question of claims. But, having failed in his efforts by modification and amendment to secure the acceptance by your Government of the clause for a full adjustment of these claims, and heartily participating in the desire expressed

in your note for a prompt solution of the difficulty which impedes the conclusion of the Arbitration, he has thought it best to terminate the discussion by proposing to you the following, to constitute the text of clause 7:

The respective governments having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other or by its citizens, in connection with the claims presented and urged by it, and, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, October 23, 1891.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date in reply to mine of the 17th instant, in which I stated the grounds on which Her Majesty's Government found themselves unable to accept the form of clause relating to damages proposed in your note of July 23 last for insertion in the Behring Sea arbitration agreement. In that note I informed you that I had been authorized by the Marquis of Salisbury, with a view to a prompt settlement of the difficulty, to make the following suggestions, namely, that—

the six articles of the arbitration agreement already accepted by both Governments should be signed now, and also an article providing for the reference to the Arbitrators of any question of fact which either Government may desire to submit to them regarding the claims for compensation to which it considers itself to be entitled. The application of international law to those facts would be left as a matter for future negotiation after they shall have been ascertained, and might be subsequently referred to the arbitrators, in whole or in part, if the two governments should agree to do so.

In your note under acknowledgment, in which you reply as to the above suggestions, you advert to the discussions and informal conferences which have taken place on the subject of the clause dealing with the question of damages, and you state that the President is unable to see how the seventh clause proposed in your note of the 23d of July last can be held to imply an admission on the part of Great Britain "of a doctrine respecting the liability of governments for the acts of their nationals or other persons sailing under their flag on the high seas, for which there is no warrant in international law." Those are, no doubt, the terms in which I stated generally the objection of Her Majesty's Government to the form of clause in question. But I am relieved from explaining their objection in greater detail by the proposal of the President, with which your note concludes, to substitute a new clause, which substantially carries out Lord Salisbury's suggestion.

You state that the President has thought it best to terminate the discussion by proposing to me the following, to constitute the text of clause 7:

The respective governments having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged

to have been sustained by the other or by its citizens, in connection with the claims presented and urged by it, and, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

I am glad to be able to announce to you that I have received by telegraph the authority of Lord Salisbury to accept the above clause on behalf of Her Majesty's Government, and in doing so I beg to express my gratification at this satisfactory solution of the difficulty which has delayed the conclusion of the arbitration agreement.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, November 23, 1891.

SIR: I informed the Marquis of Salisbury of our proposal to sign the text of the seven articles to be inserted in the Behring Sea Arbitration agreement and of the Joint Commission article, as settled in the diplomatic correspondence, in order to record the progress made up to the present time in the negotiation.

Lord Salisbury entirely approves of that proposal, but he has instructed me, before signing, to address a note to you for the purpose of obviating any doubts which might hereafter arise as to the meaning and effect of article 6, which is as follows:

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and the preservation of the fur seal in or habitually resorting to the Bering Sea, the Arbitrators shall then determine what concurrent regulations outside the jurisdictional limits of the respective governments are necessary, and over what waters such regulations should extend; and, to aid them in that determination, the report of the joint commission to be appointed by the respective governments shall be laid before them, with such other evidence as either Government may submit. The contracting powers furthermore agree to coöperate in securing the adhesion of other powers to such regulations.

Lord Salisbury desires to make the following two reservations on the above article:

His lordship understands, first, that the necessity of any regulations is left to the Arbitrators, as well as the nature of those regulations, if the necessity is in their judgment proved; secondly, that the regulations will not become obligatory on Great Britain and the United States until they have been accepted by the other maritime powers. Otherwise, as his lordship observes, the two Governments would be simply handing over to others the right of exterminating the seals.

I have no doubt that you will have no difficulty in concurring in the above reservations, and subject thereto I shall be prepared to sign the articles as proposed.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, November 27, 1891.

SIR: In the early part of last week you furnished the exact points which had been agreed upon for arbitration in the matter of the Behring Sea negotiation. You called later and corrected the language which introduced the agreement. In fact, the two copies framed were taken entirely from your minutes. It was done with a view that you and I should sign them, and thus authenticate the points for the Arbitrators to consider.

You inform me now that Lord Salisbury asks to make two reservations in the sixth article. His first reservation is that "the necessity of any regulation is left to the Arbitrators, as well as the nature of those regulations if the necessity is in their judgment proved."

What reason has Lord Salisbury for altering the text of the article to which he had agreed? It is to be presumed that if regulations are needed they will be made. If they are not needed the arbitrators will not make them. The agreement leaves the arbitrators free upon that point. The first reservation, therefore, has no special meaning.

The second reservation which Lord Salisbury makes is that "the regulations shall not become obligatory on Great Britain and the United States until they have been accepted by the other maritime powers." Does Lord Salisbury mean that the United States and Great Britain shall refrain from taking seals until every maritime power joins in the regulations? Or does he mean that sealing shall be resumed the 1st of May next and that we shall proceed as before the Arbitration until the regulations have been accepted by the other "maritime powers?"

"Maritime powers" may mean one thing or another. Lord Salisbury did not say the *principal* maritime powers. France, Spain, Portugal, Italy, Austria, Turkey, Russia, Germany, Sweden, Holland, Belgium, are all maritime powers in the sense that they maintain a navy, great or small. In like manner Brazil, the Argentine Confederation, Chile, Peru, Mexico, and Japan are maritime powers. It would require a long time, three years at least, to get the assent of all these powers. Mr. Bayard, of the 19th of August, 1887, addressed Great Britain, Germany, France, Russia, Sweden and Norway, and Japan with a view to securing some regulations in regard to the seals in Bering Sea. France, Japan, and Russia replied with languid indifference. Great Britain never replied in writing. Germany did not reply at all. Sweden and Norway said the matter was of no interest to them. Thus it will be again. Such a proposition will postpone the matter indefinitely.

The President regards Lord Salisbury's second reservation, therefore, as a material change in the terms of the arbitration agreed upon by this Government; and he instructs me to say that he does not feel willing to take it into consideration. He adheres to every point of agreement which has been made between the two powers, according to the text which you furnished. He will regret if Lord Salisbury shall insist on a substantially new agreement. He sees no objection to submitting the agreement to the principal maritime powers for their assent, but he can not agree that Great Britain and the United States shall make their adjustment dependent on the action of third parties who have no direct interest in the seal fisheries, or that the settlement shall be postponed until those third parties see fit to act.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, December 1, 1891.

SIR: I communicated by telegram to the Marquis of Salisbury the substance of your note of the 27th ultimo, respecting the two reservations which Her Majesty's Government desire to make in relation to the sixth clause of the proposed Behring Sea Arbitration agreement, as stated in my note of the 23d ultimo, and I have now the honor to inform you that I have received a reply from his lordship to the following effect:

As regards the first reservation Lord Salisbury observes that the statement contained in your note that the clause leaves the Arbitrators free to decide whether regulations are needed or not, assures the same end as the proposed reservation, which therefore becomes unnecessary and may be put aside.

With respect to the second reservation, his lordship states that it was not the intention of Her Majesty's Government to defer putting into practical execution any regulations which the Arbitrators may prescribe. Its object is to prevent the fur-seal fishery in Behring Sea from being placed at the mercy of some third power. There is nothing to prevent such third power (Russia, for instance, as the most neighboring nation), if unpledged, from stepping in and securing the fishery at the very seasons and in the very places which may be closed to the sealers of Great Britain and the United States by the regulations.

Great circumspection is called for in this direction, as British and American sealers might recover their freedom and evade all regulations by simply hoisting the flag of a nonadhering power.

How is this difficulty to be met? Lord Salisbury suggests that if, after the lapse of one year from the date of the decree of regulations, it shall appear to either Government that serious injury is occasioned to the fishery from the causes above mentioned, the Government complaining may give notice of the suspension of the regulations during the ensuing year, and in such case the regulations shall be suspended until arrangements are made to remedy the complaint.

Lord Salisbury further proposes that, in case of any dispute arising between the two Governments as to the gravity of the injury caused to the fishery or as to any other fact, the question in controversy shall be referred for decision to a British and an American admiral, who, if they should be unable to agree, may select an umpire.

Lord Salisbury desires me to ascertain whether some provision of the above nature would not meet the views of your Government.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE.
Washington, December 2, 1891.

SIR: I have attentively read your note of the 1st instant and submitted it to the President. The President is unable to see the danger which Lord Salisbury apprehends of a third nation engaging in taking seals regardless of the agreement between Great Britain and the United States. The dispute between the two nations has now been in progress

for more than five years. During all that time, while Great Britain was maintaining that the Behring Sea was open to all comers, at any time, as of right, not another European nation has engaged in sealing.

A German vessel once made its appearance in Bering Sea, but did not return, being satisfied, I suppose, that at the great distance they have to sail, the Germans could not successfully engage in sealing. Russia, whose interference Lord Salisbury seems to specially apprehend, will not dissent from the agreement, because such dissent would put to hazard her own sealing property in the Bering Sea. On the contrary, we may confidently look to Russia to sustain and strengthen whatever agreement Great Britain and the United States may conjointly ordain.

It is the judgment of the President, therefore, that the apprehension of Lord Salisbury is not well grounded. He believes that, however the arbitration between Great Britain and the United States may terminate, it will be wise for the two nations to unite in a note to the principal powers of Europe, advising them in full of what has been done and confidently asking their approval. He does not believe that, with full explanation, any attempt will be made to disturb the agreement. If, contrary to his firm belief, the agreement shall be disturbed by the interference of a third power, Great Britain and the United States can act conjointly, and they can then far better agree upon what measure may be necessary to prevent the destruction of the seals than they can at this time.

The President hopes that the arbitration between Great Britain and the United States will be allowed to proceed on the agreement regularly and promptly. It is of great consequence to both nations that the dispute be ended, and that no delay be caused by introducing new elements into the agreement to which both nations have given their consent.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, December 8, 1891. (Received December 9.)

SIR: The Marquis of Salisbury, to whom I telegraphed the contents of your letter of the 2d instant on the subject of the sixth article of the proposed Bering Sea Arbitration agreement, is under the impression that the President has not rightly understood his lordship's apprehension with reference to the regulations to be made by the Arbitrators under that article. His fear is not that the other powers will reject the regulations, but that they will refuse to allow the arrest by British and American cruisers of ships under their flag which may engage in the fur-seal fishery in violation of the regulations. Such refusal is highly probable in view of the jealousy which exists as to the right of search on the high seas, and the consequence must inevitably be that during the close season sealing will go on under other flags.

It can not be the intention of the two Governments, in signing the proposed agreement, to arrive at such a result.

I do not understand you to dispute that should such a state of things arise the agreement must collapse, as the two Governments could not be expected to enforce on their respective nationals regulations which are violated under foreign flags to the serious injury of the fishery.

I hope, therefore, that on further consideration the President will recognize the importance of arriving at some understanding of the kind suggested in my note of the 1st instant.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 10, 1891.

SIR: In reply to your note of the 8th instant, I have the following observations to make:

First. Ever since the Behring Sea question has been in dispute (now nearly six years) not one ship from France or Germany has ever engaged in sealing. This affords a strong presumption that none will engage in it in the future.

Second. A still stronger ground against their taking part is that they can not afford it. From France or Germany to Bering Sea by the sailing lines is nearly 20,000 miles, and they would have to make the voyage with a larger ship than can be profitably employed in sealing. They would have to start from home the winter preceding the sealing season and risk an unusually hazardous voyage. When they reach the fishing grounds they have no territory to which they could resort for any purpose.

Third. If we wait until we get France to agree that her ships shall be searched by American or British cruisers we will wait until the last seal is taken in Behring Sea.

Thus much for France and Germany. Other European countries have the same disabilities. Russia, cited by Lord Salisbury as likely to embarrass the United States and England by interference, I should regard as an ally and not an enemy. Nor is it probable that any American country will loan its flag to vessels engaged in violating the Behring Sea regulations.

To stop the arbitration a whole month on a question of this character promises ill for its success. Some other less important question even than this, if it can be found, may probably be started. The effect can only be to exhaust the time allotted for arbitration. We must act mutually on what is probable, not on what is remotely possible.

The President suggests again that the proper mode of proceeding is for regulations to be agreed upon between the United States and Great Britain and then submitted to the principal maritime powers. That is an intelligent and intelligible process. To stop now to consider the regulations for outside nations is to indefinitely postpone the whole question. The President, therefore, adheres to his ground first announced that we must have the Arbitration as already agreed to. He suggests to Lord Salisbury that any other process might make the Arbitration impracticable within the time specified.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, December 11, 1891.

SIR: I have the honor to inform you that I telegraphed to the Marquis of Salisbury the substance of your note of yesterday respecting the sixth article of the proposed Behring Sea Arbitration agreement, and that I have received a reply from his lordship to the following effect: In view of the strong opinion of the President, reiterated in your note of yesterday, that the danger apprehended by Lord Salisbury, and explained in my note of the 8th instant, is too remote to justify the delay which might be incurred by guarding against it now, his lordship will yield to the President's appeal and not press for further discussion at this stage.

Her Majesty's Government of course retain the right of raising the point when the question of framing the regulations comes before the Arbitrators, and it is understood that the latter will have full discretion in the matter, and may attach such conditions to the regulations as they may *a priori* judge to be necessary and just to the two powers, in view of the difficulty pointed out.

With the above observations Lord Salisbury has authorized me to sign the text of the seven articles and of the Joint Commission article referred to in my note of the 23d ultimo, and it will give me much pleasure to wait upon you at the State Department for that purpose at any time you may appoint.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 14, 1891.

SIR: I have the honor to advise you that I submitted your note of the 11th instant to the President. After mature deliberation he has instructed me to say that he objects to Lord Salisbury's making any reservation at all, and that he can not yield to him the right to appeal to the Arbitrators to decide any point not embraced in the articles of Arbitration. The President does not admit that Lord Salisbury can reserve the right in any way to affect the decision of the Arbitrators. We understand that the Arbitration is to proceed on the seven points which are contained in the articles which you and I certify were the very points agreed upon by the two Governments.

For Lord Salisbury to claim the right to submit this new point to the Arbitrators is to entirely change the Arbitration. The President might in like manner submit several questions to the Arbitrators, and thus enlarge the subject to such an extent that it would not be the same arbitration to which we have agreed. The President claims the right to have the seven points arbitrated and respectfully insists that Lord Salisbury shall not change their meaning in any particular. The matters to be arbitrated must be distinctly understood before the Arbitrators are chosen. And after an arbitration is agreed to neither of the parties can enlarge or contract its scope.

I am prepared now, as I have been heretofore, to sign the articles of agreement without any reservation whatever, and for that purpose I shall be glad to have you call at the State Department on Wednesday the 16th instant, at 11 o'clock a. m.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, December 15, 1891.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date in reply to mine of the 11th instant, respecting the signature of the seven articles of the proposed Behring Sea Arbitration agreement therein referred to.

I will transmit a copy of that reply to the Marquis of Salisbury by to-day's mail, but I beg to state that, pending his lordship's further instructions, it is not in my power to proceed to the signature of the articles in questions as proposed at the close of your note.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, December 17, 1891.

SIR: I have the honor to inform you that I conveyed to the Marquis of Salisbury by telegram the substance of your note of the 14th instant respecting the sixth article of the proposed Behring Sea Arbitration agreement, and that I have received a reply from his lordship in the following sense:

Lord Salisbury is afraid that, owing to the difficulties incident to telegraphic communications, he has been imperfectly understood by the President. He consented, at the President's request, to defer for the present all further discussion as to what course the two Governments should follow in the event of the regulations prescribed by the Arbitrators being evaded by a change of flag. It was necessary that in doing so he should guard himself against the supposition that by such consent he had narrowed the rights of the contending parties or of the Arbitrators under the agreement.

But in the communication which was embodied in my note of the 11th instant, his lordship made no reservation, as the President seems to think, nor was any such word used. A reservation would not be valid unless assented to by the other side, and no such assent was asked for. Lord Salisbury entirely agrees with the President in his objection to any point being submitted to the Arbitrators which is not embraced in the agreement; and, in conclusion, his lordship authorizes me to sign the articles of the Arbitration agreement, as proposed at the close of your note under reply, whenever you may be willing to do so.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, D. C., December 30, 1891.
(Received December 30.)

DEAR MR. BLAINE: On the 22d instant I telegraphed, as you desired, to Lord Salisbury, your suggestions that the number of Arbitrators on the Behring Sea tribunal should be reduced from seven to five by limiting the representation of our respective Governments to one each, in view of the agreement that there should be three foreign Arbitrators besides those appointed by Great Britain and the United States.

Last night I received his lordship's reply, which is to the effect that, looking at the importance and variety of the questions involved and to all the circumstances, Her Majesty's Government, after mature consideration, are not prepared to consent to being represented on the tribunal by less than two Arbitrators. Lord Salisbury hopes therefore that you will be ready to proceed in accordance with the arrangement at which we arrive on the 16th ultimo, namely, that the tribunal shall consist of seven Arbitrators, of whom our respective Governments shall appoint two each, and the other three shall be appointed by foreign Governments to be selected for that purpose. All seven Arbitrators to be jurists of repute and the three foreign ones to understand the English language.

I remain yours very truly,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, January 16, 1892.

DEAR Mr. BLAINE: I have just received a telegram to the effect that Sir G. Baden-Powell leaves Liverpool this day by the *Etruria* for New York, whence he will proceed to Ottawa for a few days, and then come to Washington with Dr. Dawson. They hope to be here on the 29th instant.

Believe me, yours, very truly.

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, January 21, 1892.

SIR: I have the honor to inform you that immediately after my interview with you on the 15th instant in regard to the countries who are to name the Arbitrators in the Behring Sea controversy, I telegraphed to the Marquis of Salisbury that you did not insist upon the knowledge of English by the Arbitrators as a condition, but merely as a desirable qualification.

I have now received a telegram from his lordship stating that Her Majesty's Government accept your proposal that the Arbitrators shall be chosen by France, Italy, and Sweden.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, January 30, 1892.

SIR: All the details of the Behring Sea Arbitration having now been finally settled by the understanding arrived at as to the Governments who shall be invited to select the three foreign Arbitrators, I have the honor to request you to be good enough to inform me whether you are prepared to proceed at once to the preparation and signature of the formal Arbitration convention and of the Joint Commission agreement, in accordance with the text of the articles to be inserted therein which was signed by us on the 18th December last.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 4, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, in which you refer to the settlement which has been reached in completion of the details of the Behring Sea Arbitration, and inquire whether I am prepared to proceed at once to the preparation and signature of the formal Arbitration convention and of the Joint Commission agreement, in accordance with the text of the articles to be inserted therein which was signed by us on the 18th December last.

In reply I have the pleasure to hand you a copy of the text of the Arbitration convention, including the text of the Joint Commission agreement, as agreed upon in conferences held since the 30th ultimo, and I am instructed by the President to say that I hold myself in readiness to meet you forthwith, in order that we may at once proceed to the signature of said convention.

I have, etc.,

JAMES G. BLAINE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE.
Washington, February 4, 1892.

SIR: I have the honor to inform you that the President has this day appointed and commissioned Thomas Corwin Mendenhall and Clinton Hart Merriam to act as Commissioners on the part of the Government of the United States, in accordance with the agreement which I signed with you on December 18, 1891, to investigate and report conjointly with Commissioners to be appointed by the British Government, upon the facts having relation to the preservation of seal life in Behring Sea, and the measures necessary for its protection and preservation, with a view to the submission of their conclusions to the Board of Arbitrators whose constitution has already been agreed upon by us.

Until the convention for arbitration shall have been signed the Commissioners will not be expected to agree upon or formulate any report,

but after I shall be officially advised by you of the appointment of Commissioners on the part of the British Government, the Commissioners on the part of the United States will hold themselves ready to confer informally with their British colleagues at such time as may suit their convenience.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, February 6, 1892.

SIR: I have the honor to acknowledge the receipt of your note dated February 4 (but only delivered yesterday evening), in which you inform me that the President has appointed Mr. Mendenhall and Mr. Merriam Commissioners on the part of the Government of the United States on the Joint Commission therein referred to.

Sir George Baden-Powell and Professor Dawson, whom I had the honor to present to you on the 1st instant, have been duly appointed Commissioners on the part of Her Majesty's Government, and, as I have already stated to you verbally, they are furnished with their credentials in due form.

On the 13th ultimo, at your request, I communicated to the Marquis of Salisbury, by telegraph, your desire that the British Commissioners should proceed at once to Washington. Accordingly Sir George Baden-Powell left England for that purpose by the first steamer, and arrived here with Dr. Dawson on the 1st of the month. They have been waiting ever since to be placed in communication with the United States Commissioners, and I trust that arrangements will be made for the meeting of the Commission on Monday next for the purpose indicated in the last paragraph of your note under reply, although the British Commissioners came prepared not for an informal conference, but to proceed officially to business.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 6, 1892.

SIR: I am in receipt of your note of this date, in which you give me the official notification of the appointment of Sir George Baden-Powell and Professor Dawson as Commissioners on the part of the British Government on the Joint Commission created in view of the proposed fur-seal Arbitration.

In acknowledging your note, I deem it important to direct your attention to the fact that the Government of the United States, in nominating the Commissioners on its part, selected gentlemen who were especially fitted by their scientific attainments, and who were in nowise disqualified for an impartial investigation and determination of the questions to be submitted to them by a public declaration of opinion previous or subsequent to their selection. It is to be regretted that a similar course does not seem to have been adopted by the British Government. It appears from a document which you transmitted to me,

under date of March 9, 1890 (inclosure 4), that one of the gentlemen selected by your Government to act as a Commissioner on its part has fully committed himself in advance on all the questions which are to be submitted to him for investigation and decision.

I am further informed that the other gentleman named in your note had previous to his selection made public his views on the subject, and that very recently he has announced in an address to his Parliamentary constituents that the result of the investigation of this Commission and of the proposed Arbitration would be in favor of his Government.

I trust, however, that these circumstances will not impair the candid and impartial investigation and determination which was the object had in view in the creation of the Commission, and that the result of its labors may greatly promote an equitable and mutually satisfactory adjustment of the questions at issue.

The Commissioners on the part of the United States have been instructed to put themselves in communication with the British Commissioners, to tender them an apartment at the Department of State for the joint conference, and, if it shall suit their convenience, to agree with them upon an hour for their first conference on Monday next, the 8th instant.

It is proper to add that when I indicated to you on the 13th ultimo that the British Commissioner, then in London, might come at once to Washington, I supposed we should before this date have signed the Arbitration convention, and thus have enabled the Commissioners to proceed officially to a discharge of their duties. But as it became necessary to await the approval of the draft of that instrument, which you have forwarded to London, I have interposed no objection to preliminary conferences of the Commissioners, anticipating the signature of the convention within a very brief period.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, February 8, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, in which you observe upon the selection made by our respective Governments of the members of the Joint Commission which is about to sit at Washington for the purpose of investigating and reporting upon the facts having relation to seal life in Behring Sea with a view to the proposed Arbitration.

The second paragraph of your note contains the following passage:

> I deem it important to direct your attention to the fact that the Government of the United States, in nominating the Commissioners on its part, selected gentlemen who were especially fitted by their scientific attainments and who were in no wise disqualified for an impartial investigation or determination of the questions to be submitted to them, by a public declaration of opinion previous or subsequent to their selection. It is to be regretted that a similar course does not seem to have been adopted by the British Government.

While I have much pleasure in congratulating your Government on having secured on their side the services of two such distinguished gentlemen as Prof. Mendenhall and Dr. Merriam, I must express my surprise and regret that you should have thought fit to refer in terms of disparagement to the choice made by Her Majesty's Government.

The British Commissioners, Sir George Baden Powell and Dr. Daw-

son, are gentlemen whose scientific attainments and special qualifications for the duties intrusted to them are too well known to require any vindication on my part. But you complain of the fact that Dr. Dawson in 1890 wrote a paper on the protection of the fur seal in the North Pacific in which he committed himself to certain views. This shows that he has made this subject his special study, and it appears to me that he is all the more qualified on that account to take part in the labors of the Joint Commission, which, I beg leave to point out, is not a board of arbitration, but one of investigation.

Dr. Dawson's note on the fur seal to which you refer, was merely based upon such published material as was at the time available, and I have his authority for stating that he does not feel himself in any way bound to the opinions expressed from the study of that material, in the light of subsequent personal investigation on the ground.

You likewise complain that Sir George Baden-Powell had, previously to his selection as Commissioner, made public his views on the subject, and also that he is reported to have stated in an address to his parliamentry constituents that the result of the investigation of the Joint Commission and of the proposed Arbitration would be in favor of his Government.

Sir George Baden-Powell is particularly qualified to take part in the inquiry by reason of his personal investigation into the industrial part of the question, which he pursued in 1887 and 1889 in San Francisco and British Columbia. From the first he has advocated in all his public statements a full inquiry into the facts of seal life in Bering Sea before any final agreement should be arrived at, in order that the views of all parties should be tested as to the best method of protecting seal life. There is no just ground, therefore, for charging him with partiality. As regards the language imputed to him on the occasion of an address which he recently delivered to his constituents in England on the labor question, it appears that some introductory remarks in which he referred to the Behring Sea question were inaccurately reported. What he did state was that, thanks to the arrangement arrived at between the two Governments, the Behring Sea difficulty would now be settled in the true interests of all concerned and not of any one side or the other.

I may mention that the opinions of Prof. Mendendall and Dr. Merriam on the fur-seal question were published in several journals in this country shortly after their return from Behring Sea, and were stated (I know not with what accuracy) to be opposed to the views which have been urged on the side of Her Majesty's Government.

But I do not suggest that the United States Commissioners on that account are disqualified from taking part in the labors of the Joint Commission. I claim that all the Commissioners, British and American, are equally entitled to the confidence of both Governments, as men of science, honor, and impartiality.

The course which has been adopted for ascertaining what measures may be necessary for the protection of the fur-seal species is substantially the same as that which I had the honor to propose to you on behalf of Her Majesty's Government nearly two years ago in the form of a draft convention, inclosed in my note of April 29, 1890.

I rejoice that the proposal I then made is now to be carried out, and I cordially unite in the hope expressed in your note under reply that the result of the labors of the Joint Commission will promote an equitable and mutually satisfactory adjustment of the questions at issue.

I have, etc.,

JULIAN PAUNCEFOTE.

CORRESPONDENCE RELATIVE TO THE MODUS VIVENDI OF 1892.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 9, 1892.

SIR: I have been informed by the American seal Commissioners that in an informal meeting with their British colleagues on yesterday the latter expressed an unwillingness to enter upon conferences of any other than an official character, and they therefore proposed that their joint conferences be postponed until after the Arbitration convention shall have been signed.

I beg to state to you that the Government of the United States is very anxious to expedite as much as possible the consideration of the important questions submitted to the Commissioners, and in view of the fact that it regards the Arbitration convention as substantially agreed upon, the American Commissioners have been instructed to make known to the British Commissioners their readiness to formally arrange the joint conference and proceed without further delay to the discharge of the duties assigned to them.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, February 11, 1892.

SIR: I had the honor to receive yesterday your note of the 9th instant, in which you state that you have been informed by the American seal Commissioners that in an informal meeting with their British colleagues on the 8th instant, the latter expressed an unwillingness to enter upon conferences of any other than an official character, and they therefore proposed that their joint conferences be postponed until after the Arbitration convention has been signed.

The British Commissioners, to whom I communicated your note, have informed me that at the preliminary conference of the Commissioners on the 8th instant they discussed with their colleagues what work of a preparatory character could be got through at once. The meeting was informal, according to the conditions laid down in the last paragraph in your note to me of the 4th instant, and it was arranged by the four Commissioners to hold a second preliminary conference this day at the State Department at 3 o'clock, at which they could discuss certain matters, which they had undertaken to consider in the interval, and other preparatory work.

In consequence of your note of the 9th instant, the British Commissioners hope at the conference to-day to arrange with their colleagues that the joint conference shall proceed to business formally.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

17 MADISON PLACE,
Washington, February 12, 1892.

MY DEAR SIR JULIAN: The motive you have always urged upon me for assembling the Commissioners on seal fisheries at an early date was that they could provide a *modus vivendi* that would be sufficient, while the Arbitration should go on with plenty of time to consider the various points.

I was surprised to hear that your Commissioners yesterday declined to discuss the *modus vivendi*, on the allegation that that was a subject reserved for you and me. This puts an entirely new phase upon the work of the Commission and largely diminishes its value. Will you have the goodness to advise me of the precise scope of the work which you assigned to your Commissioners?

Very truly, yours,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, 13 February, 1892.

DEAR MR. BLAINE: In reply to your letter of yesterday, I beg to state that in my opinion the British Commissioners are right in holding that they have no power under their present mandate to discuss the question of a *modus vivendi* for the next fishery season. Their authority is limited by the terms of the Joint Commission agreement which we signed on the 18th of December last.

That authority is confined to reporting their views on what fishery regulations of a permanent character may be necessary with a view to arbitration. The question of a *modus vivendi*, pending the result of the Arbitration, is one for the two Governments to discuss. I have certainly urged, as an additional reason for the early meeting of the Joint Commission, that its reports would furnish valuable materials for such discussion; but it can hardly be contended that the Commissioners can properly deal with such a question without special authority from their respective Governments.

I communicated to Lord Salisbury the proposal you made to me at our interview of the 2d instant that our two Governments should agree to a *modus vivendi*, and I am awaiting his lordship's reply.

I remain, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, February 13, 1892.

SIR: With reference to your note of the 4th instant inclosing a copy of the draft of the proposed Behring Sea Arbitration convention, I have the honor to inform you that, as previously arranged between us, I transmitted a copy of the draft by the mail of the 6th instant to the Marquis

of Salisbury for the approval of Her Majesty's Government, and that I am awaiting his lordship's instructions before proceeding further in the matter.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, February 19, 1892. (Received February 20.)

SIR: On the occasion of our interview on the 2d instant, when you handed me the draft of the Behring Sea Arbitration convention, which I forwarded to London for the consideration of Her Majesty's Government, you asked me whether they were prepared to agree to a "*modus vivendi*" for the next fishery season in Behring Sea. In transmitting the draft of the Arbitration convention to the Marquis of Salisbury I did not fail to inform him of your inquiry, and I have now received a reply from his lordship to the effect that Her Majesty's Government can not express any opinion on the subject until they know what "*modus vivendi*" you desire to propose.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 21, 1892.

SIR: I am in receipt of your favor of the 19th. You therein inform me that Lord Salisbury can not express any opinion on the subject of the *modus vivendi* until he knows what we desire to propose.

I am glad to hear that Lord Salisbury contemplates a *modus;* for it is obvious that it is impossible to conclude the Arbitration within the time originally set. Indeed, we shall hardly be able to enter upon it. The delays have been much greater on the part of Great Britain than on the part of the United States.

In reply to your inquiry the President suggests that the *modus* should be much the same as last year in terms, but that it should be better executed. It was very ineffective last year, for there were a larger number of seals in Behring Sea taken then than ever before. The vessels had already set out before the *modus* was agreed upon, and it was impossible to give them notice in time to avoid their taking seals. Her Majesty's Government did not take such efficient measures as an earlier date this year will render practicable.

If Her Majesty's Government would make her efforts most effective, the sealing in the North Pacific Ocean should be forbidden, for there the slaughter of the mothers heavy with young is the greatest. This would require a notice to the large number of sealers which are preparing to go forth from British Columbia. The number is said to be greater than ever before, and without any law to regulate the killing of seals the destruction will be immense. All this suggests the great need of an effective *modus*. Holding an arbitration in regard to the rightful mode of taking seals while their destruction goes forward

would be as if, while an arbitration to the title of timber land were in progress, one party should remove all the trees.

I shall have to ask you to transmit the contents of this note to Lord Salisbury by telegraph. Every day that is lost now entails great trouble upon both Governments.

I have, etc.,

JAMES G. BLAINE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 26, 1892.

MY DEAR SIR JULIAN: Mr. Myers, our consul at Victoria, telegraphs to-day that there are—

Forty-six sailing schooners cleared to date. Six or seven more to go. At the same date last year thirty-one cleared.

I think from this you will see that if we do not come to an understanding soon there will be no need of an agreement relating to seals in the North Pacific or in the Behring Sea. I will be glad if you will let Lord Salisbury know this fact.

Very truly, yours,

JAMES G. BLAINE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 27, 1892.

SIR: I have the honor to state that if you will have the kindness to call at this Department on Monday morning next, the 29th instant, at 11 o'clock, I shall be prepared to sign with you the treaty for the arbitration of the Behring Sea question which has been agreed upon between the Government of the United States and that of Her Britannic Majesty.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, February 29, 1892. (Received March 1.)

SIR: Immediately upon the receipt of your note of the 24th instant, respecting a renewal of the *modus vivendi* in Behring Sea, and in accordance with the wish therein expressed, I telegraphed its contents to the Marquis of Salisbury. In that note, after observing that it is impossible to conclude the arbitration within the time originally set, and that the delays have been much greater on the part of Great Britain than on the part of the United States, you proceed to inform me that, in the view of the President, the new *modus vivendi* should be much the same as that of last year, in terms; that, owing to the earlier date this year, it could be more effectively executed; but that, "if Her Majesty's

Government would make their efforts most effective, the sealing in the North Pacific Ocean should be forbidden."

After pointing out "the great need of an effective modus," you state that "holding an arbitration in regard to the rightful mode of taking seals, while their destruction goes forward, would be as if, while an arbitration to the title to timber land were in progress, one party should remove all the trees."

I have the honor to inform you that I have received a reply from Lord Salisbury to the following effect: In the first place his lordship states that he can not in any degree admit that the delays have been greater on the part of Great Britain than on the part of the United States.

As regards the necessity for another *modus vivendi*, Her Majesty's Government consented to that measure last year, solely on the ground that it was supposed that there would be danger to the preservation of the seal species in Behring Sea, unless some interval in the slaughter of seals were prescribed both at sea and on land. But Her Majesty's Government have received no information to show that so drastic a remedy is necessary for two consecutive seasons. On the contrary, the British Commissioners on the Behring Sea Joint Commission have informed Her Majesty's Government that, so far as pelagic sealing is concerned, there is no danger of any serious diminution of the fur-seal species, as a consequence of this year's hunting.

Nevertheless, Lord Salisbury would not object, as a temporary measure of precaution for this season, to the prohibition of all killing at sea within a zone extending to not more than 30 nautical miles around the Pribilof Islands, such prohibition being conditional on the restriction of the number of seals to be killed for any purpose on the islands to a maximum of 30,000. Lord Salisbury, referring to the passage in your note in which you compare the case to an arbitration about timber land, from which the trees are being removed by one of the parties, observes that he hardly thinks the simile quite apposite. His lordship suggests that the case is more like one of arbitration respecting the title to a meadow. While the arbitration is going on, he adds, we cut the grass; and quite rightly, for the grass will be reproduced next year, and so will the seals.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, March 7, 1892.

SIR: With reference to my note of the 29th ultimo, in which I had the honor to inform you that the Marquis of Salisbury had received no information to show the necessity for renewing, during the approaching fishery season, the *modus vivendi* of last year in Behring Sea as proposed in your note to me of the 24th ultimo, I think it opportune to remind you of the following fact in connection with that *modus vivendi* which may have escaped your attention, as you were absent from Washington at the time of its negotiation.

In the course of the correspondence which then took place it was distinctly notified to your Government that the *modus vivendi* would not be renewed for the following season. You will find that, at the close of

the memorandum inclosed in my note to Mr. Wharton of June 6, 1891, I stated under instructions from my Government that "the suspension of sealing was not a measure which they could repeat another year."

Her Majesty's Government consented to that measure in consequence of the rumors widely circulated of impending danger to the seal species. But since then the conditions of the fur-seal fishery have been investigated on the spot by experts appointed for that purpose by Her Majesty's Government. Those experts have advised that there is no danger of any serious diminution of the fur-seal species from pelagic sealing during the present year, and that to renew the prohibition of pelagic sealing for another season would be going far befond the necessities of the case.

Lord Salisbury's proposal of a 30-mile radius around the Pribilof Islands within which no sealing should be allowed is a judicious temporary measure of precaution pending the establishment of permanent regulations for the fishery as a whole. It is a somewhat larger proposal than that which you originally made to me on the 16th of March, 1891, and which was for a similar radius of 25 miles only.

The reason why you subsequently abandoned that "radius" proposal is stated in your note to me of 4th May, 1891. That reason was not that such a radius would be ineffectual, but that "it might possibly provoke conflict in the Behring Sea."

At that time no act of Parliament had been passed in England to empower Her Majesty's Government to enforce such a measure on British vessels, and no doubt there was some danger on that account of it giving rise to difficulties. But it is otherwise now. By the seal fishery (Behring Sea) act of 1891 (54 Vic., c. 19), Her Majesty is empowered by Order in Council to prohibit under severe penalties the catching of seals by British ships in any part of Behring Sea defined by the order, and therefore the enforcement of the new *modus vivendi* now proposed by Lord Salisbury would present much less difficulty than was experienced last season in putting the existing one into operation.

I trust that the above observations which I venture to offer in further elucidation of the proposal contained in my note of the 29th ultimo will satisfy your Government that it is, under the circumstances, a reasonable proposal, and one which will, if acceded to, sufficiently safeguard the interests of both nations during the few months comprised in the next fishery season, and pending the decision of the Arbitrators.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir J. Pauncefote.

DEPARTMENT OF STATE,
Washington, March 8, 1892.

SIR: I am directed by the President to say, in response to your two notes of February 29 and March 2, that he notices with the deepest regret the indisposition of Her Majesty's Government to agree upon an effective *modus* for the preservation of the seals in the Bering Sea, pending the settlement of the respective rights of that Government and of the Government of the United States in those waters and in the fur-seal fisheries therein. The United States claims an exclusive right to take seals in a portion of the Behring Sea, while Her Majesty's Government claims a common right to pursue and take the seals in those

waters outside a 3-mile limit. This serious and protracted controversy, it has now been happily agreed, shall be submitted to the determination of a tribunal of arbitration, and the treaty only awaits the action of the American Senate.

The judgment of the arbitration tribunal can not, however, be reached and stated in time to control the conduct of the respective Governments and of their citizens during the sealing season of 1892; and the urgent question now is, What does good faith, to say nothing of international comity, require of the parties to the Arbitration? If the contention of this Government is sustained by the Arbitrators, then any killing of seals by the Canadian sealers during this season in these waters is an injury to this Government in its jurisdiction and property. The injury is not measured by the skins taken, but affects the permanent value of our property. Was it ever heard before that one party to such a controversy, whether a nation or an individual, could appropriate the whole or any part of the income and profits, much less the body of the contested property, pending the litigation, without accountability? Usually a court of chancery would place a receiver or trustee in charge and hold the income of the property for the benefit of the prevailing party.

You say that Lord Salisbury, rejecting the illustration used by Mr. Blaine, "suggests that the case is more like one of arbitration respecting title to a meadow. While the arbitration is going on we cut the grass; and quite rightly, for the grass will be reproduced next year and so will the seals." He can hardly mean by this illustration that, being in contention with a neighbor regarding the title to a meadow, he could, by any precedent in the equity courts or by any standard of common honesty, be justified in pocketing the whole or any part of the gains of a harvest without accountability to the adverse claimant whose exclusive title was afterwards established. It is no answer for the trespasser to say that the true owner will have an undiminished harvest next year. Last year's harvest was his also. If by the use of the plural pronoun his lordship means that the harvest of the contested meadow is to be divided between the litigants, I beg to remind him that the title of the United States to the Pribilof Islands has not yet been contested, and that our flag does not float over any sealing vessel. The illustration is inapt in the further particular that the seals not taken this year may be taken next, while the grass must be harvested or lost.

This Government has already been advised in the course of this correspondence that Great Britain repudiates all obligations to indemnify the United States for any invasion of its jurisdiction or any injury done to its sealing property by the Canadian sealers. The attempt to make a damage clause one of the articles of the arbitration agreement failed, because Her Majesty's Government would not consent that the question of its liability to indemnify the United States for the injuries done by the Canadian sealers should be submitted. Two extracts from the correspondence will sufficiently recall the attitude of the respective Governments:

In my note of July 23, I said:

The President believes that Her Majesty's Government may justly be held responsible, under the attendant circumstances, for injuries done to the jurisdictional or property rights of the United States by the sealing vessels flying the British flag, at least since the date when the right of these vessels to invade the Behring Sea and to pursue therein the business of pelagic sealing was made the subject of diplomatic intervention by Lord Salisbury. In his opinion justice requires that Her Majesty's Government should respond for the injuries done by those vessels, if their acts are found to have been wrongful, as fully as if each had borne a commission from the

Government to do the act complained of. The presence of the master, or even of a third person, under circumstances calculated and intended to give encouragement, creates a liability for trespass at the common law, and much more if his presence is accompanied with declarations of right, protests against the defense which the owner is endeavoring to make, and a declared purpose to aid the trespassers if they are resisted. The justice of this rule is so apparent that it is not seen how in the less technical tribunal of an international arbitration it could be held to be inapplicable.

The United States might well insist that Her Majesty's Government should admit responsibility for the acts of the Canadian sealers, which it has so directly encouraged and promoted, precisely as in the proposal the United States admit responsibility for the acts of its revenue vessels. But, with a view to remove what seems to be the last point of difference in a discussion which has been very much protracted, the President is willing to modify his proposal and directs me to offer the following:

"The Government of Great Britain having presented the claims of its subjects for compensation for the seizure of their vessels by the United States in Behring Sea, and the Government of the United States having presented in its own behalf, as well as of the lessees of the privileges of taking seals on the Pribilof Islands, claims for compensation by reason of the killing of seals in the Behring Sea by persons acting under the protection of the British flag, the arbitrators shall consider and decide upon such claims in accordance with justice and equity, and the respective rights of the high contracting powers, and it shall be competent for the arbitrators to award such compensation, as in their judgment, shall seem equitable."

In your note of October 17, you say:

I regret to inform you that Her Majesty's Government, after the fullest consideration, have arrived at the conclusion that this new clause could not properly be assented to by them. In their opinion it implies an admission of a doctrine respecting the liabilities of governments for the acts of their nationals or other persons sailing under their flag on the high seas for which there is no warrant in the law of nations. Thus it contains the following words:

"The Government of the United States having presented on its own behalf, as well as of the lessees of the privilege of taking seals on the Pribilof Islands, claims for compensation by reason of the killing of seals in Behring Sea by persons acting under the protection of the British flag, the Arbitrators shall consider and decide upon such claims."

These words involve the proposition that Her Majesty's Government are liable to make good losses resulting from the wrongful action of persons sailing outside their jurisdiction under the British flag. Her Majesty's Government could not accept such a doctrine.

The President can not believe that while holding this view of its accountability the Government of Great Britain will, pending the Arbitration, countenance, much less justify or defend, the continuance of pelagic sealing by its subjects. It should either assume responsibility for the acts of these sealers, or restrain them from a pursuit the lawfulness of which is to be determined by the Arbitration.

In your note of February 29 you state that Her Majesty's Government has been informed by the British Commissioners "that so far as pelagic sealing is concerned, there is no danger of serious diminution of the fur-seal species as a consequence of this year's hunting," and upon this ground Lord Salisbury places his refusal to renew the *modus* of last year. His lordship seems to assume a determination of the Arbitration against the United States and in favor of Great Britain, and that it is already only a question of so regulating a common right to take seals as to preserve the species. By what right does he do this? Upon what principle does he assume that if our claims are established, any diminution of the seals, whether serious or not, during this season, or indeed, any taking of seals, is to be without recompense?

In the opinion of the President, it is not consistent with good faith that either party to an arbitration should, pending a decision, in any degree diminish the value of the subject of arbitration or take any profit from the use of it without an agreement to account.

Before an agreement for arbitration had been reached the prohibition of pelagic sealing was a matter of comity; from the moment of the

signing of that agreement it became, in his opinion, a matter of obligation.

During the season of 1891, notwithstanding the restrictions resulting from the *modus* adopted, the Canadian sealers took in the Behring Sea alone 28,768 skins, or nearly four times as many as the restricted catch upon our island. This Government is now advised that 51 vessels from British Columbia and 16 from Nova Scotia have sailed or are about to sail for the Behring Sea to engage in taking seals. This large increase in the fleet engaged makes it certain, in the absence of an effective restrictive agreement, that the destruction of seal life during this season by pelagic sealing will be unprecedented, and will, in the opinion of our Commissioners, so nearly destroy the value of the seal fisheries as to make what will remain of so little value as scarcely to be a worthy subject for an international arbitration.

The proposition of Lord Salisbury to prohibit the killing of seals at sea "within a zone extending to not more than 30 nautical miles around the Pribilof Islands" is so obviously inadequate and so impossible of execution that this Government can not entertain it. In the early part of the discussion of the subject of a *modus* for last year, this method was tentatively suggested among others in conversation between yourself and Mr. Blaine. But it was afterward in effect agreed by both Governments to be inadequate, and was not again referred to in the correspondence. In the memorandum furnished by you with your note of June 6, you say:

Lord Salisbury points out that if seal-hunting be prohibited on one side of a purely imaginary line drawn in the open ocean, while it is permitted on the other side of the line, it will be impossible in many cases to prove unlawful sealing or to infer it from the possession of skins or fishing tackle.

This was said with reference to the water boundary of our purchase from Russia, but is quite as applicable to the 30-mile zone which he now suggests. The prevalence of fogs in these waters gives increased force and conclusiveness to the point made by his lordship against an imaginary water line. The President can not agree, now that the terms of arbitration have been settled, that the restrictions imposed shall be less than those which both Governments deemed to be appropriate when it was still uncertain whether an early adjustment of the controversy was attainable. He therefore hopes that Her Majesty's Government will consent to renew the arrangement of last year with the promptness which the exigency demands and to agree to enforce it by refusing all clearances to sealing vessels for the prohibited waters and by recalling from those waters all such vessels as have already cleared.

This Government will honorably abide the judgment of the high tribunal which has been agreed upon, whether that judgment be favorable or unfavorable, and will not seek to avoid a just responsibility for any of its acts which by that judgment are found to be unlawful. But certainly the United States can not be expected to suspend the defense, by such means as are within its power, of the property and jurisdictional rights claimed by it, pending the arbitration, and to consent to receive them from that tribunal, if awarded, shorn of much of their value by the acts of irresposible persons

I have the honor to be, etc.,

WILLIAM F. WHARTON.
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, March 19, 1892.

SIR: On receipt of your note of the 8th instant I immediately telegraphed to the Marquis of Salisbury the substance of its contents in accordance with the request which you expressed on behalf of the President, and I have now the honor to inform you that I have this day received a reply from his lordship, by telegram, to the following effect:

Lord Salisbury again points out that the information in the possession of Her Majesty's Government does not lead them to believe that another year's suspension of sealing is necessary to prevent an undue diminution of the seal herds.

His lordship, however, proceeds to observe that beyond this question it is considered by your Government that they have a right to be protected from the loss which they may incur from free sealing being permitted this year, in the event of their claim to Behring Sea being upheld by the Arbitrators. He states that Her Majesty's Government do not dispute that after the ratification of the convention there will be some foundation for this contention; but he adds that the prohibition of all sealing as a remedy has this defect, that the British sealers excluded from Behring Sea would have an undoubted ground of complaint if the British claim should be upheld by the Arbitrators. Moreover, there is no security that the Arbitration will be concluded before the sealing season of 1893. Thus an arbitration between Great Britain, the United States, and Portugal, which has already occupied four years, is still pending. Serious damage would be caused to the industry by a suspension of sealing for a long period.

In view of all the above considerations it appears to Her Majesty's Government that it would be more equitable to provide that sealing in Behring Sea shall continue on the condition that the owner of every sealing vessel shall give security for satisfying any damages which the Arbitrators may adjudge.

I shall be glad to learn that the above suggestions meet with the concurrence of your Government.

I have the honor, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 22, 1892.

SIR: I am directed by the President to say that your note dated the 19th instant and delivered on the 20th instant (Sunday) has had his immediate attention in view of what he deems to be the extreme urgency and gravity of the matter under discussion. The urgency grows out of the fact that much further protraction of this discussion will make any *modus* that may be agreed upon ineffectual to protect the interests of the United States and will give to the Canadian sealers practical immunity, by reason of the impossibility of communicating to them the agreed restrictions. It is known to this Government that the sealers have hastened their departure to escape notice of a possible *modus* and that every day almost adds to the fleet that must now be overhauled at sea. Already forty-seven Canadian vessels have cleared for the sealing

grounds (as against thirty-one at the same date last year), and are engaged in following up and destroying the seal herds. These vessels will, if not stopped and turned back at the passes, go into the Behring Sea and pursue to the very shores of our islands the slaughter of the mother seals seeking the accustomed rookeries to be delivered of their young. This is a crime against nature. This Government expects to show, if the Arbitration proceeds, that female seals constitute the larger per cent of the catch of the pelagic sealers.

That in view of this serious and confident contention of this Government his lordship should assume that another year's suspension of *such* sealing is not necessary "to prevent an undue diminution of the seal herds" and should insist that pending an arbitration it shall go on, precisely as if no arbitration had been agreed upon, is as surprising as it is disappointing. If Her Majesty's Government so little respects the claims and contentions of this Government as to be unwilling to forbear for a single season to disregard them, the President can not understand why Lord Salisbury should have proposed and agreed to give to those claims the dignity and standing which a reference to a high court of arbitration implies. From the moment an arbitration was agreed upon neither party was at liberty to disregard the contentions of the other.

It must be assumed that the sincere purpose of the two Governments was to promote peace and good will, but if, pending the Arbitration, either deals with the subject of it solely upon the basis of its own contention and in utter disregard of the claims of the other, this friendly end is not only not attained, but a new sense of injury and injustice is added, even if it should be found possible to proceed with an arbitration under such conditions. For it must not be forgotten that if Her Majesty's Government proceeds during this sealing season upon the basis of its contention as to the rights of the Canadian sealers, no choice is left to this Government but to proceed upon the basis of its confident contention that pelagic sealing in the Behring Sea is an infraction of its jurisdiction and property rights. His lordship will hardly fail to see this. Herein, in the opinion of the President, consists the gravity of the present situation, and he is not willing to be found in any degree responsible for the results that may follow the insistence by either Government during this season upon the extreme rights claimed by it. In his opinion it would discredit in the eyes of the world the two great Governments involved if the paltry profits of a single season should be allowed to thwart or even to disturb the honorable and friendly adjustment of their differences, which is so nearly concluded; but if his lordship shall adhere to his refusal to unite with us in prompt and effective measures to stop pelagic sealing, and shall insist upon free sealing for British subjects, the question, as it affects this Government, is no longer one of pecuniary loss or gain, but one of honor and self-respect.

This Government, notwithstanding the fact that its right to take seals upon the Pribilof Islands is undisputed and wholly uninvolved in the Arbitration, has proposed to take no profit from the island catch, but to limit the taking of seals to the necessities of the natives of those islands, and it can not consent that, with indemnity or without, the contested rights of British subjects to catch seals in the Behring Sea shall be exercised pending the Arbitration. The President finds it difficult to believe that Lord Salisbury is serious in proposing that this Government shall take separate bonds from the owners of about one hundred Canadian sealing vessels to indemnify it for the injury they may severally inflict upon our jurisdiction or property, and must de

cline to discuss a suggestion which only his respect for Lord Salisbury and his belief that his lordship has a due appreciation of the gravity of this discussion enable him to treat with seriousness.

We should doubtless have to pursue and capture upon the sea many of the owners of those vessels to secure the bonds suggested, and as the condition is to be that the obligors shall pay "any damages which the Arbitrators may adjudge," while the treaty gives the Arbitrators no power to adjudge any damages, the transaction would be without risk to the obligors and of no value to us.

This Government can not consent to have what it believes to be its rights destroyed or impaired pending their determination by an agreed tribunal, however adequate the security offered. The reference in my last note to the inconsistency of Her Majesty's Government in denying responsibility for the acts of the Canadian sealers was not intended to suggest a willingness on our part under any circumstances to see our property converted into a claim for damages, and particularly as such a claim can not now be heard or determined by the Arbitrators without a reformation of the treaty, for his lordship must remember that while he now offers what he mistakenly calls "security for satisfying any damages which the Arbitrators may adjudge," he has already carried his point in the treaty that the Arbitrators shall have no jurisdiction to award any damages.

As to his lordship's suggestion, that Canadian sealers may have some claim for compensation if Great Britain shall restrain pelagic sealing, the President directs me to say that he is not able to see how the citizens or subjects of either of the treaty powers can by any rule of law or equity support any claim against their respective governments growing out of such necessary trade restraints as the governments may lawfully impose to promote the larger considerations of the public good and international peace.

The suggestion that the conclusions of the Board of Arbitration may not be reached and announced in time to govern the conduct of the parties during the season of 1893 is, I think, fully provided against by the treaty itself.

His lordship is mistaken as to the time that has elapsed since the signing of the Delagoa Bay agreement with Portugal. It is not four years old, but less than one, the date of signing being June 13, 1891.

If the present treaty is promptly ratified and exchanged our mutual interest would be an ample guaranty against delay. The President has found no obstacle in the way of such a consummation, except the belief now unfortunately very prevalent here that the refusal of Great Britain to agree to the preservation of the *status quo* of the property during the Arbitration, and her insistence that pelagic sealing shall go on, to the injury, if not destruction, of our rights, largely defeats the object of the treaty.

The President directs me to say, in conclusion, that the modus of last year is the least that this Government can accept. In reason, the restraints, after a treaty of arbitration, should be more absolute, not less. He does not desire to protract this discussion, and having now in the most friendly spirit submitted the considerations which support the just demand of this Government that the property which is the subject of an agreed arbitration shall not be subject to spoliation pending the arbitration, he expresses the hope that Lord Salisbury will give a prompt and friendly assent to renew the modus.

The President will hear with regret that Her Majesty's Government continues to assert a right to deal with this subject precisely as if no

provision had been made for a settlement of the dispute; and, in that event, this Government, as has already been pointed out, will be compelled to deal with the subject upon the same basis, and to use every means in its power to protect from destruction or serious injury property and jurisdictional rights which it has long claimed and enjoyed.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM F. WHARTON,
Acting Secretary.

Sir Julian Pauncefote to Mr. Wharton.

WASHINGTON, *March 26, 1892.*

SIR: I have the honor to inform you that I have received the reply of Her Majesty's Government to the note which you addressed to me on the 22d instant, by direction of the President, on the subject of the renewal of the *modus vivendi* in Behring Sea during the approaching fur-seal fishing season.

The Marquis of Salisbury states that notice has been given to the owners of ships sailing for Behring Sea that both the agreements which are at present under discussion between Great Britain and the United States, that as to arbitration and that as to an immediate agreement, may affect the liberty of sealing in Behring Sea. They have, therefore, notice of their liability of possible interruption, and will sail subject to that notice. The question of time is not, consequently, urgent.

I am to request you to inform the President that Her Majesty's Government concur in thinking that when the treaty shall have been ratified there will arise a new state of things. Until it is ratified their conduct is governed by the language contained in the note which I had the honor to address to Mr. Blaine on June 14, 1890. But, when ratified, both parties must admit that contingent rights have become vested in the other, which both desire to protect.

Her Majesty's Government think that the prohibition of sealing, if it stands alone, will be unjust to British sealers, if the decision of the Arbitrators should be adverse to the United States. They are, however, willing, when the treaty has been ratified, to agree to an arrangement similar to that of last year, if the United States Government will consent that the Arbitrators should, in the event of a decision adverse to the United States, assess the damages which the prohibition of sealing shall have inflicted on British sealers during the pendency of the Arbitration; and, in the event of a decision adverse to Great Britain, that they should assess the damages which the limitation of a slaughter shall, during the pendency of the Arbitration, have inflicted on the United States or its lessees.

As an alternate course, Her Majesty's Government are also willing, after the ratification of the treaty, to prohibit sealing in the disputed waters, if vessels be excepted from the prohibition which produce a certificate that they have given security for such damages as the Arbitrators may assess in case of a decision adverse to Great Britain; the Arbitrators to receive the necessary authority in that behalf. In this case the restriction of the slaughter on the islands will not in point of equity be necessary.

Her Majesty's Government are unable to see any other than one of

these two methods of restricting seal hunting in the disputed waters during the arbitration which will be equitable to both parties.

I have the honor to be, with the highest consideration, your most obedient humble servant,

JULIAN PAUNCEFOTE.

The Hon. WILLIAM F. WHARTON, etc.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, March 26, 1892.

SIR: With reference to my previous note of this date and to the discussions which have taken place regarding the claims of our respective Governments to compensation in relation to the fur-seal fishery in Behring Sea, I have been instructed by the Marquis of Salisbury to state that he is not prepared to admit, as he gathers that the President thinks, that Her Majesty's Government have objected to the Arbitrators having jurisdiction as to damages inflicted in the past by the party against whom the award is given. He only objected to make Her Majesty's Government liable for acts which they have not committed. His lordship is ready to consent to a reference on this point in the following terms:

"That in case the Arbitrators shall decide in favor of the British Government, that Government may ask them further to decide whether the United States Government have since 1885 taken any action in Behring Sea directly inflicting a wrongful loss on British subjects; and if so, to assess the damage incurred thereby.

"That in case the Arbitrators shall decide in favor of the United States Government, that Government may ask them to decide further whether the British Government have since 1885 taken any action in Behring Sea directly inflicting a wrongful loss on the United States or its lessees; and if so, to assess the damage incurred thereby."

I have the honor to be with the highest consideration, sir, your most obedient humble servant,

JULIAN PAUNCEFOTE.

The Hon. WILLIAM F. WHARTON, etc.

ARTICLE

By Dr. J. A. ALLEN.

Curator of the American Museum of Natural History.

INTRODUCTION.

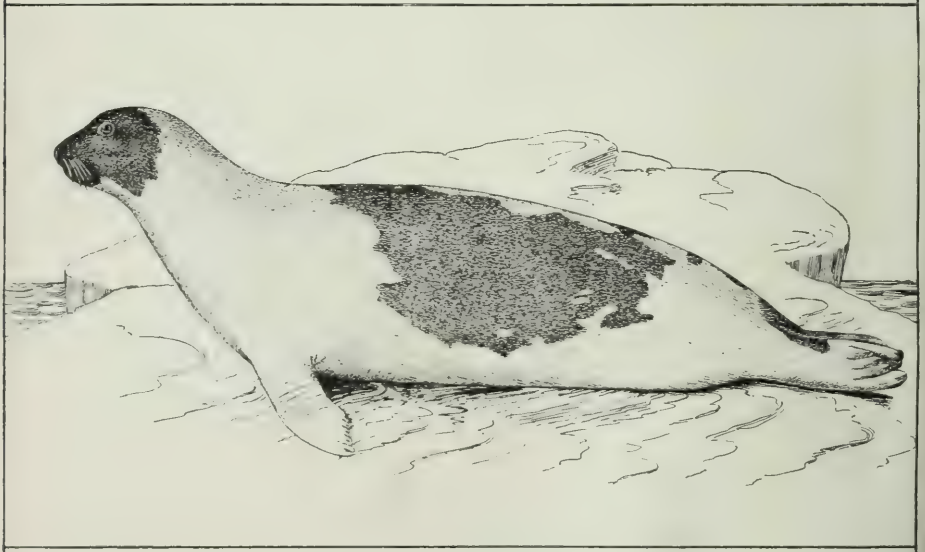
The following paper has been prepared at the request of the Secretary of State of the United States by Dr. J. A. Allen, by profession a naturalist and a specialist in mammalogy and ornithology, and at present and for the last seven years curator of these departments in the American Museum of Natural History, in New York City; formery for many years curator at the Agassiz Museum of Comparative Zoölogy, at Cambridge, Mass. Dr. Allen has given special attention to the study of the pinnipedia, or seal tribe, for twenty-five years. In 1870 he published a paper on the fur-seals and sea-lions of the northwest coast of North America entitled "On the Eared Seals (*Otariidæ*), with Detailed Descriptions of the North Pacific Species," etc. (Bull. Mus. Comp. Zoöl., II, pp. 1–108, Pll. I–III, Aug., 1870), and in 1880 a monograph of the North American Pinnipedia entitled "History of North American Pinnipeds; a Monograph of the Walruses, Sea-Lions, Sea-Bears, and Seals of North America" (8°, pp i–xvi, 1–785, 1880, forming Vol. XII of the Miscel. Publ. of the Hayden U. S. Geolg. Survey), and in 1887 a paper on "The West Indian Seal (*Monachus tropicalis*)," (Bull. Am. Mus. Nat. History, II, pp. 1–34, Pll. I–IV, April, 1887).

Dr. J. A. Allen, naturalist, etc., and curator in the American Museum of Natural History, etc.

Experience.



NORTHERN FUR-SEAL *(Callorhinus ursinus)* Old male.



HARP SEAL *(Phoca groenlandica)* Old male

PART I.

A SYNOPSIS OF THE PINNIPEDS, OR SEALS AND WALRUSES, IN RELATION TO THEIR COMMERCIAL HISTORY AND PRODUCTS.

The common seals, the eared-seals, and the walruses form a well-marked group of the carnivorous mammalia, constituting a suborder (Pinnipedia) of the order *Carnivora*. They are carnivores, especially modified for aquatic locomotion and semi-aquatic life. Their ancestors were doubtless land animals, probably more nearly allied to the bears than to any other existing mammals. They are still dependent on the land or on fields of ice for a resting place, to which they necessarily resort to bring forth their young. They are thus very unlike the sea-cows and the whale tribe, which are strictly aquatic, bringing forth their young in the water, and entirely unfitted for locomotion on land.

Common Seal, Eared Seal, and Walrus.

Ancestors of.

Dependence on the land.

The great tribe of Pinnipeds is divisible into three quite distinct minor groups termed families, namely, the walruses (family *Odobenidæ*), the eared-seals (family *Otariidæ*), and the common or earless seals (family *Phocidæ*). These groups differ notably from each other in many points of structure. The walruses agree with the eared-seals in the structure of the hind limbs, being able to turn the hind feet forward under the body, which are thus to some degree serviceable as locomotive or gauns on land, and enable them to progress by a clumsy and much constrained method of walking. In the true or earless-seals, on the other hand, the hind limbs can not be turned forward, and thus on land can take no part in locomotion; they remain permanently extended in a line parallel to the axis of the body. This diversity in the structure and function of the hind limbs involves more or less modification of the entire skeleton. It is also reflected in the whole manner of life in the two groups. Aside from this, there are other important structural differences, affecting especially the skull and dentition.

Belong to tribe of Pinnipeds.

Differ notably from from each other.

The following synopsis of the Pinnipedia is intended to present a classified list of the species, with a brief statement of their distribution, habits, and commercial uses.

Synopsis of Pinnipedia.

Family ODOBENIDÆ.

WALRUSES.

The walruses are characterized by their thick, heavy form, the absence of external ears, the development of the canine teeth into enormous tusks, and the correlated great expansion of the facial portion of the skull. The hind feet are capable of being turned forward to aid in terrestrial locomotion.

The two existing species of walrus constitute the genus *Odobenus* Briss. (*Trichechus* of many authors; not of Linnæus, 1758). There are several extinct forms, usually referred to other genera. The existing walruses are now Arctic in distribution, although formerly their habits extended much further south than at present.

1. ATLANTIC WALRUS. *Odobenus rosmarus* (Linn.).—The Atlantic walrus greatly resembles the Pacific walrus (*O. obesus*), externally, but the front of the head is much narrower and less deep, and the tusks are shorter and more divergent, resulting in a very different facial expression. The essential differences are in the cranial characters, where the differences are strongly pronounced.

Atlantic Walrus.

At the close of the glacial period the Atlantic walrus ranged as far south, on the eastern coast of North America, as Virginia, and as late as the middle of the sixteenth century was abundant off the coast of Nova Scotia. In Charlevoix's time there was an extensive walrus fishery at Sable Island. During the latter part of the eighteenth century they were hunted extensively at the Magdalen and other islands in the Gulf of St. Lawrence, where as many as fifteen or sixteen hundred were sometimes killed in a single onslaught. Through wholesale destruction for their oil, hides, and tusks they were speedily exterminated south of Labrador. They are now rarely met with south of Hudson Bay, Davis Strait, and the coast of Greenland; more to the northward they still exist, but only in comparatively small numbers. They have been found as far north as explorers have penetrated.

History.

Inhabits the far north.

On the coast of Europe the walrus has occurred within historic times as far south as Scotland, and strayed to the Orkneys as late as 1857. There is good evidence that it also regularly frequented, two or three centuries ago, the coast of Finmark. It ranged thence eastward on the Siberian coast as far as the mouth of the Yenesei River. Its principal places of resort, however, were Spitzbergen, Nova Zembla, and the smaller islands of the Arctic Sea. In this region the walrus has been relentlessly hunted for its commercial products since the beginning of the seventeenth century. During the early part of this century (1603 to 1612) thousands were killed annually by English seamen for their oil and tusks, first at Cherrie Island, and later at Spitzbergen. The slaughter was continued by the Dutch, Danes, and Spaniards till too few were left to render the pursuit of them longer profitable, the whale fishery then supplanting walrus hunting. The persecution of the walrus, however, continued as opportunity favored, either for its commercial products or for sport, until its extermination in these waters has seemed only a question of time. Prof. Alfred Newton, writing in 1864, said: "Now they are hemmed in by the packed ice of the Polar

The Walrus in northern Europe.

Relentless hunting of the Walrus.

Extermination imminent.

Sea on the one side and their merciless enemies on the other. The result can not admit of any doubt. . . . . Its numbers are apparently decreasing with woeful rapidity. The time is certainly not very far distant when the *Trichechus rosmarus* will be as extinct in the Spitzbergen seas as *Rhytina gigas* (Steller's sea-cow) is in those of Bering's Straits." (Proc. Zoöl. Soc., London, 1864, p. 500.)

As late as 1875 about a dozen sailing vessels were engaged regularly in hunting the walrus between Cape Kanine and the mouth of the Kara River. (Rep. U. S. Commis. Fish and Fisheries, Pt. III, 1876, p. 56.) The Norwegian sealers and whalers have continued the slaughter as opportunity favored, the catch in the Jan Mayen seas, from 1878 to 1884, averaging about 430 walruses per year. (Bull. U. S. Fish Commission, VI, 1886, p. 272. Jan Mayen Seas.

According to Mr. Thomas Southwell's annual "Notes on the (British) Seal and Whale Fishery," published in the Zoölogist, 1883 to 1892, Walrus hunting is still incidentally carried on by the whalers in Davis Straits and Cumberland Gulf. In his account of the season of 1885 he states that "about one hundred and ninety walrus" were killed by the Davis Strait whalers. Respecting the status of the Atlantic Walrus at this date, he makes the following interesting statements: "The Greenland vessels rarely meet with the walrus, as it is pretty well exterminated at Spitzbergen by the Norwegians; an occasional solitary individual, however, which has become carnivorous and wandered far from his native shore in search of seals, is sometimes met with far out at sea. At Franz Josef Land, according to Mr. Leigh Smith, they are very numerous, and I am also informed that in Frobisher Straits they are still plentiful; moreover, on both shores of Davis Straits, owing to the whalers being in too great a hurry to reach the north water to stop to hunt them systematically, they are still abundant." (Southwell, Zoölogist, 1886, pp. 101, 102.) He reports the capture of 320 walruses by the Greenland whalers in 1886; about 500 in 1887, 311 in 1888, 312 in 1889, 90 in 1890, and 215 in 1891. Davis Straits.

2. Pacific Walrus. *Odobenus obesus* (Ill.).—The home of the Pacific walrus is the islands and coasts of Bering and the Arctic seas. It formerly occurred in considerable numbers as far south as the Aleutian chain, and probably passed, at times, somewhat to the southward of these islands. It was once abundant at the Pribilof Islands, and at St. Mathews, St. Lawrence, Nunivak, Diomede, and other islands in Bering Sea, and on the Alaskan coast at Kotzebue and Norton sounds, Bristol Bay, and eastward to Point Barrow. On the eastern and northern coasts of Asia it formerly ranged from Karaginskoi Island, in about latitude 60°, thence northward and westward to about the mouth of the Kolyma River. Pacific Walrus.

The walrus has always been an important animal to the natives of the coasts it frequented, by whom many were annually killed for their flesh, hides, and tusks, the flesh being used for food, the skins for covering their summer habitations, for planking their baidarkas, for harness for their dog teams and lines for their fishing gear, and the tusks for various implements and for purposes of trade. (Scammon, Marine Mammalia, p. 180.) They, however, killed so few as not to seriously decrease their numbers. As late as 1821 herds embracing thousands of individuals, it is reported on good authority, were seen in Bering Sea. According to Captain Scammon, as late as 1873, "innumerable herds still resort in the summer months to different points on the southern or central coasts of Alaska, particularly Uses of Walrus. Walrus in Bering Sea and on the Alaskan coast.

at Amak Island and Point Moller, on the northern shore of the Alaskan peninsula." (Marine Mammalia, p. 180.) In 1868 the Pacific walrus began to attract the cupidity of the whalers, and during the following five years it is estimated that they destroyed 60,000 in Bering Sea and the Arctic Ocean for their oil and tusks. "Between the years 1870 and 1880 there were brought to market 1,996,000 gallons of oil and 398,868 pounds of Walrus ivory, these amounts representing the destruction of not far from 100,000 animals." (Frederic A. Lucas, Report U. S. National Museum, 1888–'89, p. 620.)

Hunting the Walrus.

"If the whalers reach Bering Strait before the ice breaks up they remain on the coast and often hunt the walrus for weeks together, with startling and serious results. Last year's campaign was considered successful, as about 11,000 walruses were secured, most of them within the Arctic Sea. But to attain this result between 30,000 and 40,000 animals were killed, so that only one-third of the number destroyed were actually utilized. There can be no doubt as to the ultimate consequences of such glaring improvidence, but last year they were so painfully apparent as to touch even the hard hearts of those who occasioned them. Not that the whalers were moved to compassion by the victims themselves, but by the sufferings of the human beings who were deprived of their chief source of subsistence. The hardy tribes in the neighborhood of Bering Strait literally can not exist without the walrus, and so long as they were its only human enemies the number destroyed was inconsiderable. But the herds soon dwindled under the superior weapons and appliances of civilized nations and the survivors retreated, like the whales, towards the pole. By the end of last season not a single walrus was left on the coast, and the immediate result was such a terrible famine among the natives that the whalers themselves speak of it remorsefully. The population south of St. Lawrence Bay has been reduced one-third, and in a village which formerly counted two hundred inhabitants only one man survived. Several of the whalers have consequently refused to take any part in future walrus hunts on the coast. They assert that for every hundred animals killed a native family must perish by starvation, and they will not incur so heavy a responsibility." (London Field, March 28, 1880, p. 381. See also Allen, North American Pinnipeds, pp. 768, 769.)

Wasteful killing.

Used by natives as food.

Famine among natives caused by destruction of Walrus.

Family OTARIIDÆ.

EARED SEALS.

The eared-seals may be distinguished externally by the possession of small, narrow, pointed, external ears, a slender form, lengthened neck, and hind limbs capable of being turned forward and used in terrestrial locomotion. They also differ from the walruses on the one hand and the seals proper on the other in important cranial and skeleton characters.

Confined to southern oceans and North Pacific.

The eared-seals are confined mainly to the islands and coasts of the southern oceans and the North Pacific. None occur in the Atlantic north of the thirtieth parallel of south latitude. They are polygamous, and resort to the land to breed, where they spend almost continuously about one-third of the year. During the breeding season the old males gather about them a considerable number of females, which

Habits of Eared Seals.

they jealously guard from their rivals, and over which for many weeks they exercise tyrannical jurisdiction. The young eared-seals pass the first six or eight weeks of their lives wholly on the land, and at first enter the water reluctantly, being taught to swim by their mothers. A very young seal if placed in the water and left to itself will quickly drown.

Sea Lions and Fur-Seals.

The eared-seals fall into two groups, one of which includes the sea-lions and the other the fur-seals, or "sea-bears" of the early writers. In the sea-lions the pelage is harsh and without under fur, and their skins possess small commercial value, being useful only for the preparation of a poor quality of leather. They are, however, very fat, and consequently immense numbers have been killed for their oil. Their products are thus similar to those of the seals proper.

Indiscriminate hunting of Fur-seals.

The fur-seals have a very soft pelage, with abundant under fur, forming the well-known seal fur of commerce. These animals have been incessantly hunted for their skins for a century. So indiscriminate and relentless has been the slaughter that, with the exception of a few small rookeries which have received governmental protection, the fur seals of the southern hemisphere have been for many years practically exterminated. (See part II of this paper entitled "Fur seal Hunting in the Southern Hemisphere" *post.*)

Species of Eared Seals.

Authorities differ greatly as to the number of species of eared-seals, owing to the scarcity of specimens in natural history museums. Although so many millions have been killed for commercial purposes, there is not a good series of specimens of these animals in any scientific museum. The following list of genera and species is probably sufficiently accurate for use in the present connection. Commercially they are all fur-seals, although the size of the animal and the quality of the fur varies more or less at different localities.

Section 1.—EARED HAIR-SEALS OR SEA-LIONS (Trichophocacæ).

I.—Genus OTARIA Péron.

1. Southern Sea-Lion *Otaria jubata* (Forst).

Habitat: Galapagos Islands and coasts of South America, from Peru and the Rio de la Plata southward; Tierra del Fuego and Falkland Islands, etc.

Formerly abundant and extensively hunted for its oil. Now so reduced in numbers as to be of little commercial importance.

II.—Genus PHOCARCTOS Peters.

2. Auckland Sea-Lion *Phocarctos hookeri* (Gray).

Habitat: Auckland Islands.

Little is known of this rare species, which was probably once common at the islands to the eastward and southward of New Zealand.

III.—Genus EUMETOPIAS Gill.

3. Steller's Sea-Lion *Eumetopias stelleri* (Peters).

Habitat: Shores and islands of the North Pacific, from Bering Strait southward to California and Japan.

Formerly (eighteenth century) abundant along the coast of Kamchatka, from the Kurile Islands northward. There is still a small colony at the Farallon Islands, off the coast of California, and other considerable colonies at the Pribilof, Commander, and other small islands in Bering Sea. It is also found in greater or less numbers in some of the Aleutian Islands, and at a few points on the Alaskan coast, principally of the Aleutian chain.

Stellar's Sea-Lion.

It has at present no commercial value, and is killed chiefly by the natives of the coast and islands of Bering Sea, to whom it is of great service, every part being utilized, either for food, clothing, or implements.

IV.—Genus ZALOPHUS Gill.

4. California Sea-Lion *Zalophus californianus* (Lesson).

Habitat: Coast and islands of California, from lower California, about latitude 23° north to San Francisco.

This species was extensively hunted for its oil during the first half of the present century, in consequence of which its numbers became greatly reduced. It is now not much molested, as it yields no commercial products of value. This is the sea-lion commonly seen in zoölogical gardens and menageries.

5. Gray Sea-Lion. *Zalophus cinereus* (Péron).

Habitat: Coast and islands of New Zealand and Australia; perhaps sparingly northward to Japan.

During the first half of this century this species was extensively hunted for its oil, the pursuit ceasing only when the animals became so reduced in numbers as to render the business no longer profitable.

Section II.—FUR-SEALS (Ouliphocacæ).

V.—Genus CALLORHINUS Gray.

6. Northern Fur-Seal *Callorhinus ursinus* (Linn.).

Habitat: The Islands in Bering Sea; at present chiefly the Pribilof and Commander Islands, migrating southward in winter along the American coast to California, and along the Asiatic coast to the Kurile Islands.

This is the species so well known as the source of the sealing industry at the Pribilof and Commander Islands in Bering Sea. Although millions of fur-seals have been killed here during the last hundred years, the killing has been, for the most part, conducted under restrictions imposed by the Russian and the United States governments, with a view to securing the permanent preservation and productiveness of the herds. Of late, however, the herds

Pribilof and Commander islands.

Protection by Russia and United States.

at these islands have suffered great reduction in consequence of pelagic sealing in the North Pacific and Bering Sea, which if continued must result in their practical extermination—a fate that has overtaken nearly all of the many formerly populous fur-seal rookeries in the southern hemisphere. For many years past the Pribilof and Commander Island rookeries have furnished nine-tenths of all the fur-seal skins obtained for commercial purposes.

Extermination from pelagic sealing imminent.

VI.—Genus ARCTOCEPHALUS F. Cuv.

7. California Fur-Seal *Arctocephalus* sp. nov.

Habitat: Islands off the coast of Lower California, from Cerros Island northward.

Formerly large numbers of fur-seals were taken at the San Benito, Cerros (or Cedros), Guadalupe, Santa Barbara, and other islands off the coast of Lower California, and also on the coast of the mainland. Though formerly abundant at all these points, they have become nearly exterminated by the indiscriminate and persistent attacks of the seal hunters.

Excessive hunting.

Until recently the fur-seals off the Lower California coast were supposed to be the same as the Alaska species, but Dr. Merriam has recently obtained skulls from the old killing grounds on Guadalupe Island which show that it is not only a different, and as yet a probably undescribed species, but that it is referable to the genus Arctocephalus, not previously known to occur north of the equator. It is resident the whole year off the California coast, and resorts to the caves on the islands it frequents to bring forth its young. In these respects it resembles the fur-seals of the Galapagos Islands, to which it seems to be closely related.

Distinct from Alaska Seal.

Remains off the coast of California.

The following historical notes may be of interest in the present connection:

In 1825 Capt. Benjamin Morrell cruised along the west coast of Mexico and California in search of fur-seals. Under date of May 20, 1825, he writes that he arrived at Cape Blanco, in latitude 42° 49′ N. "Between this cape and that of Mendocino, which is in latitude 40° 17′ N. . . . there are many small islands and rocks, some of which lie 3 miles from the main. On these islands or keys I expected to find fur-seals, whereas I found them all manned with Russians, standing ready with their rifles to shoot every seal or sea-otter that showed its head above water." (Morrell, Voyages and Discoveries, p. 212.) Continuing southward, "perceiving little prospect of taking fur-seals on any part of the coast which the Russians have monopolized," he reached Socorro Island, in latitude 18° 53′ N. "At 6 a. m. the boats were despatched to examine the island in search of fur seals; but returned, after a faithful inspection, without seeing more than twenty animals of that species. They saw about 300 sea-leopards and 1,500 hair seals." (*Ibid.*, p. 213.)

Voyage of Captain Morrell in 1825.

Coast of Mexico and California.

Socorro Island.

He visited Guadalupe Island earlier in the season (March 27–31), and says: "We lay here three days, during which time we took a number of fur-seals." A few days later he visited Cerros Island, and sent out boats to search the island, but neither seals nor sea elephants were seen. He says: "There are many fine fish to be caught around this

Guadalupe Island.

Cerros Island.

island, and it was formerly a great resort for sea-elephants and fur-seals; but it now appears to be entirely abandoned by these animals." (*Ibid.*, p. 196.)

Cenizas Island.

On April 8 he landed at Cenizas Island, in about latitude 30°, in search of fur-seals, but found only sea-leopards and sea elephants, about 400 of the former and 800 of the latter.

Islands of St. Clement, St. Barbara, St. Rosa, and St. Miguel.

Later (April 23 to May 5) he "examined the islands of St. Clement, St. Barbara, St. Rosa, and St. Miguel," for fur-seals, but, he says "without much success," although he saw a few sea-elephants and many "sea-leopards."

Farallon Islands.

On May 11 he arrived at the Farallon Islands, of which he says: "Many years ago this place was the resort of numerous fur-seal, but the Russians have made such havoc among them that there is scarcely a breed left. On this barren rock we found a Russian family and twenty-three Codiacks, or Northwest Indians, with their bark canoes. They were employed in taking sea-leopards, sea-horses, and sea-elephants for their skins, oil, and flesh, the latter being jerked for the Russian market on the Northwest Coast." (*Ibid.*, pp. 108, 110.)

Captain Scammon refers to the former occurrence of fur-seals at San Benito Islands and on the "coast of California," where,

San Benito Islands.

he says, "many beaches were found fronting gullies, where [fur] seals in large numbers formerly gathered; and as they had plenty of ground to retreat upon, the sealers sometimes drove them far enough back to make sure of the whole herd, or that portion of them the skins of which were desirable." (Scammon, Marine Mammalia of the Northwest Coast, pp. 152, 154.) Unfortunately Captain Scammon's account gives no definite dates, but the period referred to must have been prior to the year 1850. He also refers, in Mr. J. Ross Browne's "Resources of the Pacific Slope" (p. 128), to Guadalupe and Cerros Islands as having been formerly favorite resorts of fur-seals and sea-elephants.

8. Juan Fernandez Fur-Seal *Arctocephalus philippii* (Peters).

Habitat: Islands of Juan Fernandez and Mas-á-Fuera, and probably the coast of Chili and adjacent islands. Probably, also, the St. Felix Group and the Galapagos Archipelago.

The above name was given in 1866 to the fur-seal of Juan Fernandez and Mas-á-Fuero. Whether distinct from the fur-seal of Patagonia, Tierra del Fuego, the Falkland, and other islands to the southward has not as yet been satisfactorily determined, owing to lack of good series of specimens for comparison from these different localities.

While formerly abundant at all the localities above named, it has for many years been practically extinct, commercially considered.

9. Southern Fur-Seal, *Arctocephalus australis* (Zimm.).

Habitat: Southern coasts of South America, from the southern border of Brazil and Chili southward; also Falkland Islands and Tierra del Fuego, and probably also the South Shetland and South Georgian Islands and the Sandwich Group.

Formerly immense rookeries of this species existed at many points within the area above given as the habitat of the species, but it was hunted by the sealers almost to extinction during the half century ending about the year 1835. At the present time too few are found anywhere to render the pursuit of the animals profitable.

Excessive hunting.

The South Shetlands are noted for the superior quality of fur-seal skins obtained there, and it is not improbable that an examination of specimens from there and from the South Georgian Islands would show them to be specifically separable from the Falkland Island and Patagonian species.

South Shetland Islands.

South Georgian Islands.

10. South African Fur-Seal, *Arctocephalus delalandi* (Gray).

Habitat: Shores and adjacent islands of the west coast of South Africa, north to about latitude 28° S.; also Tristan d'Acunha and Gough Islands.

The slaughter of hundreds of thousands of these fur-seals for their skins during the early part of the present century brought the species to the verge of extinction. Of late years the small remnant existing on the west coast of Cape Colony have been preserved from extermination through the protection of the Colonial Government of Cape Colony.

Excessive hunting.

Government protection.

The fur-seal of the Tristan d'Acunha group and Gough Island, where formerly thousands were killed annually, is provisionally referred to this species.

Tristan d'Acunha and Gough Island.

11. Kerguelen Fur-Seal, *Arctocephalus gazella* (Peters).

Habitat: Kerguelen Island, St. Paul and Amsterdam Islands, and probably the Crozet and Prince Edward Islands.

This species has the same history as the preceding—once abundant at all the groups of islands above named, there have been for the last forty years not enough of them left to be of real commercial importance.

12. New Zealand Fur-Seal, *Arctocephalus forsteri* (Lesson).

Habitat: Coasts and adjacent islands of New Zealand, southwestern Australia, and Tasmania, and the Oceanic Islands to the southward and eastward (Chatham, Bounty, Antipodes, Auckland, Campbell, Macquarie, etc.).

This species has the same history in respect to former abundance and subsequent decrease to the verge of extinction as the preceding species. Of late years the few remaining within the jurisdiction of the colony of New Zealand have received government protection.

Recent government protection.

Habits of Southern Fur-Seals (Genus *Arctocephalus*).

The habits of no wild animal during the breeding season are perhaps better known than are those of the Northern or Alaskan Fur Seal. The time of their arrival in spring at the Pribilof rookeries, their polygamous and gregarious habits, the manner of reproduction, and the character and behavior of the different classes of seals constituting the herds have again and again been recounted with the utmost detail. Much less has been written of the habits of the various Southern fur seals, but enough has been recorded by the early explorers and by intelligent sealing masters to show that fur seals everywhere have the same general habits. The very careful observations of Delano, Fanning, Weddell, and especially of Morrell, made during the early part of the present

century, are here transcribed as of special interest in the present connection.

Account of habits by Capt. Delano, 1798.

Capt. Amasa Delano, who visited Mas-á-Fuero and the coast of Chile for fur-seals about the beginning of the present century (1798 and later), has left the following account of their habits: "Seals in the southern latitudes go on shore in the months of November or December, for the purpose of bringing forth their young. They meet together at that time, male and female, and remain near the shore or on it from that time till August or September, when they go off to sea altogether. When they come on shore they creep up sometimes 100 or 200 rods from the water. They bring forth their young and nurse them in the same manner as the canine species do, and for several weeks after are as helpless and something similar to a young pup. The young ones are perfectly ignorant of swimming until five or six weeks old, when the dam drags them to the water by the neck and learns [*sic*] them to swim. . . . They copulate on shore. The females go eleven months with young, according to the best calculation we were able to make. They seldom have more than one and never more than two pups. Their young never come on shore during the first year after they are carried off to sea." (Delano, Voyages, p. 307.)

Account of habits, by Capt. Fanning.

The following, from Capt. Edward Fanning, who had a long personal experience as a sealer, gives some additional information relating to the fur-seals of the same region as the preceding: "The clap-matches seldom have more than one young at a time, although sometimes two; it is at this season particularly that the wigs (old males) are very savage, never hesitating to fly at and attack with great spirit any person who ventures to approach them. They live upon fish and marine productions; stones also have been found in their maws. . . . They migrate, and with the season return to the shore and herd in rookeries on the rocks, and in the gullies, returning to the water again when the season is over; at this time the animal is very lean, so much so that the skin has become very loose about it; nothing more after this is seen of them until the following season, when they are to be observed coming up again to the shore exceeding plump and well-filled; where they retire to to get so fat is something I never could understand; it is also true that they have been met at sea shortly before going on shore in large shoals swimming through the water towards their haunts, much like a shoal of herring-hogs, or porpoises. In calm weather and a smooth sea they have been seen floating along, hundreds together, and asleep, with but the nose and two of their flippers sticking up out of water, which at a distance appears like the trunk of a tree with its roots afloat; when caught thus asleep they can easily be taken by the harpoon or spear, by approaching them silently." (Fanning, Voyages, pp. 356, 358.)

Account of habits, by Capt. Morrell, 1821–1831.

Capt. Benjamin Morrell, in his "Narrative of Four Voyages to the South Sea," etc., during the years 1821 to 1831, mainly for the capture of seals, makes frequent reference to their habits, from which the following, relating more especially to the fur-seals of Staten Land, is taken: "These amphibious animals come on shore in the month of November to bring forth and nurse their young . . . where they remain until May. They often form their rookeries 100 to 200 yards from the water. They bring forth and nurse their young as the canine species do, and for two weeks after their birth the young ones are as helpless as canine pups of the same

age. The art of swimming, it appears, is not theirs by instinct, as they know nothing about it until taught by their parents. When they are three or four weeks old the mothers drag them to the water by the neck and give them their first lesson in the science of aquatic locomotion. They copulate on shore, and the female goes about ten months with young. According to the best calculation I can make they seldom produce more than one pup at a birth, and never more than three; and the young ones never come on shore during the first year of their lives." (Morrell, Voyages and Discoveries, pp. 63, 64.)

The same writer further says: "The striking disparity of size between the male and female is also worthy of remark. The large male is about 7 feet in length, whereas the female never exceeds 4 feet. The large males are not the most numerous; but being the most powerful they are enabled to keep in their possessions all the females. At the time of parturition the number of males [*lege* females] attending one female [*lege* male; obviously there is here a transposition of terms] is in the proportion of about one to a dozen; a proof that these animals are the greatest polygamists in the world, not even excepting the Turks. That they are gregarious and social is evident to the most superficial observer who surveys their rookeries, where they herd together in classes and at different periods.

Distinctions of sex.

"Warmed by the cheering influence of an antarctic spring, the males of the largest size go on shore about the 1st of November, corresponding to our May, and there await the arrival of the females, which happens about the 1st of December. This, of course, is an annual assignation and occurs, as regularly as the migration of our northern shad from the ocean to the fresh-water rivers, for purposes perfectly analogous. As soon as the female seal makes her appearance at the edge of the beach, one of the most gallant of the males immediately takes her under his protection. It seldom happens, however, that he is not obliged to sustain his right by one or more combats with his rivals. While the males are fighting in the most desperate manner, the object of their bloody feud sits calmly looking on, contemplating the fray with apparent delight, and no little self-complacency. . . . The proud victor now conducts his lovely prize from the late scene of contention up to the rookery prepared for her accommodation. . . . When the female has selected her lodgings and become settled in the rookery, her partner is unremitting in his cares to afford her protection. . . . nor does she evince the slightest indications of jealousy while he is showing the same polite attentions to a dozen other wives. . . . By the last of December all of the females have accomplished the purpose for which they came on shore.

Migration of seals.

Propagation of seals.

"When these animals are for the first time visited by man they evince no more apprehension of danger from their new guests than did the natives of San Salvador when first visited by the Spaniards; and the confidence of the poor seals is requited in the same manner as theirs was—by robbery and murder. In fact, they will lie still while their companions are slaughtered and skinned. But they soon become acquainted with the barbarous character of their invaders, withdraw their ill-placed confidence, and avoid the fatal intimacy. They now acquire habits of distrust and caution, and devise ways and means for counteracting human strategem and treachery. They select more solitary retreats, on the tops of rocks, beneath high projecting cliffs, from which they can precipitate them-

Not afraid of man at first.

selves into the water the moment they perceive the approach of their arch enemy.

Sentinels posted by seals for self-protection.

"While encamped in their rookeries three or four sentinels are always posted to keep a lookout while the others sleep; and the moment a boat makes its appearance, though it be a mile from the shore, these faithful watchmen promptly give the alarm, when in an instant the whole rookery is in motion. Every one makes for the surf with all possible expedition, so that by the time the boat reaches the shore they will nearly all be in the water, with the exception of a few females that have pups or young ones to take care of. These will remain to defend and protect their charge until the last moment, when, if hard pushed, they will seize their pups by the back of the neck with their teeth and dive into the surf, where they are obliged to hold the heads of the pups above water to prevent their suffocation. * * * The males, many of them, will also stand their ground and fight very hard for the young seals; often they will perish in the noble cause. * * *

Quick motions.

"When excited their motions are very quick, like the flash of a gun on touching the match; hence the name of *clapmatch*, which sailors apply to the female. In pursuit, their speed (on land) is nearly equal to that of a man, and much swifter on the rocks than could be anticipated from their appearance.

Dog Seals.

"About the latter end of February the dog-seals go on shore. These are the young male seals of the two preceding years; but, owing to their youth and inexperience, are not yet allowed to attend the pregnant females or "clapmatches." The purposes for which they now seek dry land are to shed their coats, and give the new-starting crop of fine hair a chance to grow. By the 1st of May these objects are effected, when they again take to the ocean, and are seldom seen near the shores again until the 1st of July, when they appear and disappear alternately, without order or any ostensible purpose, for the period of a month; after which they are seen no more until the 1st of September following. During this month a herd of young seals, male and female, resort to the shore; and when they retire again to their favorite element, the wigs, or large male seals, make their appearance on the land, for the purpose of selecting a suitable spot for their rookeries, where they are to receive the clapmatches, or females of age. This completes the annual round of visits made to the land by fur-seals of all classes." (Morrell Voyages and Discoveries, pp. 74–76.)

Arrival of mature Seals.

Captain Weddell, writing of the fur-seals of the South Shetland Islands, says: "Nothing in this class of animals, and more particularly in the fur-seal of Shetland, is more astonishing than the disproportion in the size of the male and female. A large grown male, from the tip of the nose to the extremity of the tail, is 6 feet 9 inches, whilst the female is not more than 3½ feet. This class of males is not, however, the most numerous, but being physically the most powerful they keep in their possession all the females, to the exclusion of the younger branches; hence, at the time of parturition the males attending the females may be computed as one to twenty, which shows this to be, perhaps, the most polygamous of large animals. They are in their nature completely gregarious, but they flock together and assemble on the coast at different periods, and in distinct classes. The males of the largest size go on shore about the middle of November to wait the

Relative size of males and females.

Landing of Seals.

arrival of the females, which of necessity soon follow, for the purpose of bringing forth their young. These in the early part of December begin to land; and they are no sooner out of the water than they are taken possession of by the males, who have many serious battles with each other in procuring their respective seraglios; and, by a peculiar instinct they carefully protect the females and their charge during the whole period of gestation.

"By the end of December all the female Seals have accomplished the purpose of their landing. The time of gestation may be considered twelve months, and they seldom have more than one at a time, which they suckle and rear apparently with great affection. By the middle of February the young are able to take the water, and after being taught to swim by the mother they abandon them on shore, where they remain till their coats of fur and hair are completed. During the latter end of February what are called the dog-seals go on shore; these are the young seals of the two preceding years, and such males as from their want of age and strength are not allowed to attend the pregnant females.

Propagation of Seals.

"These young seals come on shore for the purpose of renewing their annual coats, which being done by the end of April, they take to the water, and scarcely any are seen on shore again until the end of June, when some young males come up and go off alternately.

"They continue to do this for six or seven weeks, and the shores are then again abandoned till the end of August, when a herd of small young seals of both sexes come on shore for about five or six weeks; soon after they retire to the water. The large male seals take up their places on shore, as has been before described, which completes the intercourse all classes have with the shore during the whole year.

"The young are at first black; in a few weeks they become gray, and soon after obtain their coat of hair and fur. M. Buffon describes the longevity of the seal to be even so great as a hundred years. I have estimated the female seal to be in general at its full growth within four years; but possibly the male seal is much longer, very likely five or six years; and some which I have contrasted with others of the same size could not, from their very old appearance, be less than thirty years." (Weddell, Voyages, pp. 137, 140.)

Longevity.

The following recent account of the habits and breeding places of the southern fur seals is from the affidavit of Mr. George Comer, who for ten years, beginning in 1879, was engaged in sealing in the southern hemisphere. He spent fourteen months at a small island, called by the sealers West Cliff, Chile, about 100 miles north of the Straits of Magellan. The shores, he says, of all the many seal rookeries he visited, "are of much the same character. There is a narrow beach line, from which cliffs rise abruptly to the height of 75 to 150 feet. Through these are narrow crevasses in the rocks or small ravines, where streams flow into the sea; it is at such points the seals are to be found. The animals clamber up these rocks, often going where it is impossible for man to go. The climate of these localities is peculiar. The sky is constantly overcast, and during the summer the average temperature would be between 40° and 45° F. Rain falls nearly every day, keeping the atmosphere constantly moist, but no hard storms take place, the rain falling in misty showers.

Account of habits, by Mr. George Comer.

West Cliff Island, Chile.

"During the fourteen months passed at West Cliff, heretofore men-

tioned, I had an excellent opportunity to examine and study the seals which frequent that coast. Along the coasts and islands near Cape Horn snow does not fall to any extent, and never remains for any length of time. No ice forms along the shore. There is very little difference in the temperature of winter and summer.

Habits of Seals.

The seals inhabiting these shores do not migrate, but always remain on or near the land, only going a short distance in search of food, and at all seasons and in every month of the year seals can be found on shore. Toward the latter part of October the 'wigs,' or full-grown males, begin to congregate on the breeding rookeries. A 'wig' weighs anywhere from 250 to 500 pounds, and must be 4 or 5 years old before he has strength and endurance enough to maintain a place on the rookery. The battles for position between rival 'wigs' are most fierce, but at last they all get their places, and await the coming of the 'clapmatches' or females. About the 10th of November the females begin to arrive, and land on the breeding rookeries. Each 'wig' gets about him as many 'clapmatches' as he can, the average number, I should say, being from ten to twenty. The 'wig' never allows the 'clapmatch' to leave his harem for some time, always seizing her and dragging her back if she attempts to go into the water. Almost immediately on landing the female drops her pup, it seldom being more than a day after they come on shore.

"A 'clapmatch' gives birth to only one pup, except in rare instances, when she has two. I never saw but one case where a 'clapmatch' had more than one pup at a birth. Within a few days after the birth of the pup, the 'clapmatch' is served by the 'wig.' After being served, the 'wig' lets her go into the water to feed, as she has to do in order that she may nurse her pup.

"The pup when born weighs about 4 or 5 pounds, and is covered with shining black hair, beneath which there is no fur.

Habits of pups.

When four or five months old, this black hair is shed, and a new hair of a brownish-gray color comes out, and the fur appears with it. A pup does not go into the water until he is three or four months old, and then he works gradually from the puddles into the surf, and I have seen 'clapmatches' in stormy weather pick up their pups in their mouths and carry them out of reach of the waves. . . . Until the pup sheds his black hair, he is entirely dependent on his mother's milk for sustenance. . . . A black pup walks on all fours, raising his body more from the ground than an older seal. . . . All seals can move very rapidly on land when forced to do so, and seem to have remarkable powers of land locomotion when the formation of their flippers and body is taken into consideration.

"The young 'wigs,' or nonbreeding males, not being allowed on the rookeries, herd by themselves and never molest the harems.

The young males.

They go into the water, but during the breeding season hang around the rookeries, never going far from shore.

"About the 20th of November we used to begin killing and up to that time the 'wigs' had never left their positions to feed or drink. I do not know how much longer they would have staid there fasting if we had not molested them."

From the foregoing, and from much similar testimony that might be brought together, it is evident that the habits and places of resort of fur-seals is much the same everywhere.

Family PHOCIDÆ.

SEALS.

The seals proper, or the hair-seals, have no external ears, are short necked, rather thick-bodied, and have the hind limbs permanently directed backward and useless for terrestrial locomotion. They vary greatly in size, from the common harbor-seal only 4 to 5 feet in length, and weighing about 150 pounds, to the gigantic sea-elephant or elephant-seal, which attains a length of more than 20 feet, and a weight of probably over 2,000 pounds.

Hair-Seals.

The seals, unlike the walruses and eared-seals, are of almost world-wide distribution, being found on the coasts of nearly all countries, except within the tropics; they also ascend many of the larger rivers for long distances, and occur in some of the inland seas, as the Caspian and others in Asia. Their pelage is harsh and destitute of under fur, and hence the commercial value of their skins is comparatively small. Seals, however, being excessively fat, are extensively hunted for their oil, of which some of the species yield a large amount, possessing qualities which render it a valuable commodity.

Inhabits all parts of the world.

Seals, as a rule, are not polygamous, and resort to the land or ice fields to bring forth their young, according to the species. They are also more or less migratory, passing to warmer latitudes in winter, and returning to their breeding stations in summer.

Habits.

The seals vary much in the structure of the teeth and in the conformation of the skull, in consequence of which differences they are commonly separated into three subfamilies, namely, (1) the *Phocinæ*, embracing nearly all the seals of the Northern Hemisphere, of which the common harbor-seal is a good example; (2) the *Cystophorhinæ*, including the hooded-seal of the North Atlantic and the sea-elephants; (3) the *Ogmorhininæ*, confined to the southern and antarctic seas.

Subfamilies.

I.—Subfamily PHOCINÆ.

I.—Genus PHOCA LINN.

1. Harbor Seal, *Phoca vitulina* Linn.

Habitat: Coasts of the North Atlantic from New Jersey and the Mediterranean northward to the Arctic regions, coasts of the North Pacific from southern California and Japan northward to the Arctic regions.

This species was formerly much more numerous than at present along the coasts of both continents, particularly southward. Though not eminently gregarious, it was not uncommon to find a considerable number associated together at its more favorite littoral resorts. Owing to the difficulty of capturing this species and its comparative scarcity and small size, it has never been of much commercial importance.

2. Ringed Seal, *Phoca fœtida* Fabr.

Habitat: North Atlantic, from the coasts of Labrador and Finland northward, Bering Sea and the Arctic seas generally.

The home of the ringed-seal is almost exclusively the icy seas of the north. It is essentially a littoral, or rather glacial, species, resorting to the ice floes to bring forth its young, but passing most of the year in bays and fjords. It is a small species, attaining a length of about 5 feet and a weight of about 200 pounds, when adult. It is very important to the Eskimos as a source of food and clothing. It has, however, never had much commercial importance, although the Scotch whalers buy their skins (with the blubber attached) of the Eskimos of Cumberland Sound, to the number of a few thousand annually.

3. HARP-SEAL, *Phoca groenlandica* (Fabr.).

Habitat: North Atlantic, from the Gulf of St. Lawrence and the North Sea northward to the Arctic Sea; also Bering Sea.

The harp-seal, known also as the saddle-back, white-coat (when young), Greenland seal, etc., is by far the most important commercially of all the true seals, being the principal basis of the Newfoundland and Jan Mayen seal fisheries. It is of medium size, having, when adult, a length of 5 to 6 feet, and a weight of 600 to 700 pounds, or a little more when in prime condition. It is preëminently gregarious, migratory, and pelagic. It is nowhere a permanent resident, and annually traverses a wide breadth of latitude. Although often met with far out at sea, it generally keeps near the edges of drifting ice. It appears never to resort to the land, and is seldom found on firm ice.

Habits of Harp Seal.

About the beginning of March they assemble at their favorite breeding stations, selecting for this purpose immense ice fields far from land. Their best known breeding grounds are the ice packs off the eastern coast of Newfoundland and about the island of Jan Mayen. Off the Newfoundland coast the young are chiefly born between the 5th and 10th of March; at the Jan Mayen breeding grounds between the 23d of March and the 5th of April. The females take up their stations on the ice very near each other, the young being thus sometimes born not more than 3 feet apart. The males accompany the females to the breeding stations and remain in the vicinity, congregating mostly in the open pools between the ice floes. The mothers leave their young on the ice to fish in the neighborhood for their own subsistence, but they frequently return to their young to suckle them. The young grow very rapidly, and when three weeks old are said to be nearly half as large as the old ones. They have now attained their greatest fatness; later they decrease in fatness, while they continue to increase in general size. The young are said not to voluntarily enter the water until at least twelve days old, and that they require four or five days practice before they acquire sufficient strength and proficiency in swimming to enable them to care for themselves. After they take to the water they congregate by themselves, and when they mount the ice assemble in large compact herds.

Breeding grounds.

Growth and habits of pups.

During the last century sealing was carried on from the shore in a small way in the Gulf of St. Lawrence and off the coast of Newfoundland. Early in the present century small vessels began to be employed and the sealing industry rapidly increased in importance, and by the year 1820 the annual catch exceeded 200,000 seals. From 1830 to 1850 the annual Newfoundland catch varied in different years from about 350,000 to nearly 700,000, the largest recorded catches being about 680,000, in the years 1831, 1844, and 1846. In recent years the catch has varied from

Sealing in the Gulf of St. Lawrence and on the coast of Newfoundland.

about 200,000 to 500,000, much depending upon the season as regards storms and the condition of the ice with reference to the accessibility of the breeding resorts of the seals. There has, however, of late years been a gradual decline in the number of seals annually procured, and a larger proportion of the vessels engaged make losing voyages. Since 1860 larger vessels have been employed than was formerly the case, and since 1870 sailing vessels have gradually given place to steamers. There has been admittedly a great decline in recent years in the numbers of seals breeding on the floating ice to the eastward of Newfoundland, and in order to place some restriction on the number killed a date has been fixed prior to which sealing is illegal.

Decline of seal herd.

The Jan Mayen, of "Greenland" seal fishery, based on this species, is next in importance to that of the ice fields east of Newfoundland. It is mainly limited to a circular area of about 400 miles in diameter, with Jan Mayen Island as the central point. The annual catch for many years averaged about 200,000 (chiefly young seals, or "white-coats"), taken principally by British, Norwegian, and German sealers. As early as the middle of the eighteenth century the Jan Mayen sealing industry had already attained considerable importance, the catch numbering upward of 40,000 annually. It began to decline about 1870, and soon after the matter of instituting an international close time was agitated. Such a close time was finally adopted in 1876, to go into effect the following year, fixing the 3d day of April as the beginning of the sealing season. The rapid increase in the sealing fleet from 1860 to 1874, and particularly the increased use of steam vessels, while the catch steadily declined, showed that the then prevalent system of indiscriminate slaughter was surely ruining the seal fishery.

Jan Mayen Seal fishery.

Close time adopted.

Mr. Southwell, commenting on the continuing decline and on the fact that most of the vessels engaged in sealing in 1884, at both the Newfoundland and "Greenland" (Jan Mayen) grounds, incurred more or less loss, says: "It is not surprising, therefore, to find that the Newfoundland sealers closed the fishery earlier than usual, and that the thoughtful men like Capt. D. Gray should plead for an extension of the Greenland close time. As I said before, it is probable that a large number of the young seals which were produced on the Newfoundland ice this season escaped; this, however, was a mere accident, and rarely happens; but in Greenland it is not likely that any of the brood for several years past (with the exception of the season of 1882) have escaped. Although the close time which came into operation in 1877 has somewhat retarded the extermination of the Greenland seals, it is evident that something else is required; and Captain Gray, in a circular letter which he had issued to those interested, advocates an extension of the close time to April 10, and that hooded seals should not be shot after some day in July, after which they were out of condition and valueless. This, doubtless, would have a very beneficial effect, but I venture to think that more is required." (Thomas Southwell, zoölogist, 1885, pp. 84, 85.)

Present close time insufficient.

The history of the Newfoundland and Jan Mayen sealing grounds shows that unless great care be used to check indiscriminate and wasteful overkilling, through the rigid enforcement of a judiciously limited close time or by other means, these once apparently exhaustless sealing grounds will become so depleted of seal life as to be no longer of commercial importance. Formerly great numbers of harp seals were taken by the

Strict regulation necessary.

natives along the west coast of Greenland, the annual catch for many years averaging about 80,000 seals. This species has also been the basis for centuries of a more or less important Seal fishery in the White Sea, where it has been carried on by the Russians from time immemorial. Many have also been taken about Nova Zembla and in the Kara Sea.

White Sea.

Nova Zembla.

4. Caspian Seal, *Phoca caspica* (Grm.).

Habitat: Caspian and Aral seas.

This animal is about the size and general apperrance of the harbor-seal. It gathers in large herds on the shores of these inland seas, as well as on floating ice, and constitutes the basis of an important seal fishery, formerly the average yearly catch being about 130,000 seals. The seals are mostly killed on land, although some are taken on the ice and also many in nets. They resort to the shores in spring and autumn to rest and bask in the sun, arriving in immense herds. The hunters then approach their resting place in boats, disembark noiselessly, and form a line in order to cut off the retreat of the seals. On a signal from the chief of the party, the hunters rush simultaneously upon the seals, killing them by a blow upon the nose. The bodies of the dead seals are piled up to form a wall, depriving the survivors of every chance of regaining the sea. The whole herd, to the number of many thousand, is then massacred.

These sealing grounds are held by the Russian Government, which derives an annual income from the sale of permits for seal-hunting in the Caspian Sea.

Permits sold by Russia.

5. Lake Baikal Seal, *Phoca siberica* (Gmel.).

Habitat: Lakes Baikal and Oron.

This is a small seal, somewhat related to the ringed-seal. It inhabits Lake Baikal and the neighboring Lake Oron, and is said to be common in these waters. A few are shot by the native hunters in summer, when they resort for a few weeks to the rocky shores of the lakes. In March and April some are also taken in nets placed over their breathing holes in the ice. It is not, however, a species of much commercial importance.

6. Ribbon Seal, *Phoca fasciata* (Zimm.).

Habitat: North Pacific and Bering Sea, from the Kurile Islands and coast of Alaska (north of the Aleutian Islands) northward.

This species is about the size of, and somewhat resembles, the harp-seal. It is not numerous and has never had any commercial importance.

II.—Genus ERIGNATHUS Gill.

7. Bearded Seal, *Erignathus barbatus* (Fabr.).

Habitat: Arctic coasts, south in the North Atlantic to Norway and (probably) Labrador, and the western coast of Siberia (Plover Bay).

This is one of the larger species of seals, and while of great value to the Eskimos of Greenland and Cumberland Sound, it is not numerous enough to be of commercial importance.

III.—Genus HALICHŒRUS Nilsson.

8. Gray seal, *Halichœrus grypus* (Fabr.).

Habitat: North Atlantic, from southern Greenland to Nova Scotia, and from the coast of Finmark to the British Islands.

This is one of the largest of the northern seals, growing to a length of 8 to 10 feet, but it is now nowhere numerous, though formerly rather common on the coast of Iceland and in the Gulf of Bothnia. Formerly many were killed here and at the small islands off the coast of Scotland, but it long since ceased to be of commercial importance.

II.—Sub-family OGMORHININÆ.

IV.—Genus MONACHUS Fleming.

9. Monk seal, *Monachus monachus* (Hermann).

Habitat: Mediterranean, Adriatic, and Black seas; Madeira and Canary islands.

This is a large seal (length about 10 feet), found sparingly at the localities above indicated, and has apparently never been sufficiently numerous to be of any commercial value, at least not within the present century.

10. West Indian Seal, *Monachus tropicalis* (Gray).

Habitat: Formerly Gulf of Mexico and Caribbean Sea; at present nearly extinct.

Two centuries ago this large seal was abundant at various islands in the Caribbean Sea and Gulf of Mexico, its habitat formerly extending from the islands off the west and northwest coasts of Yucatan south to the Bay of Honduras and eastward to Jamaica, Cuba, the Florida Keys, and the Bahama Islands. It has, however, been practically exterminated for probably 150 years, and up to about 1882 was almost unknown to naturalists. Since that date enough specimens have been procured, mainly at The Triangles (off the coast of Yucatan), in December, 1886, to supply several of the leading museums with examples of this exceedingly rare animal.

Bahama Islands.

In respect to their former abundance, Sir Hans Sloane, in his great work on the Natural History of Jamaica, published in 1707, says (Vol. I, Introduction, p. 88): "The Bahama Islands are filled with Seals; sometimes Fishers will catch 100 in a night. They try or melt them, and bring off their oil for lamps to the Islands."

Alacran Islands.

At the Alacran Islands, situated about 75 miles north of the coast of Yucatan, they existed two hundred years ago in great numbers. Dampier, visiting these islands in 1675, says: "Here are many seals; they come up to sun themselves only on two or three islands. . . . There we anchored and lay three or four days, and visited most of them and found plenty of such Creatures [Seals] as I have already described." He further states that there is here "such plenty of Fowls and Seals (especially of the latter) that the Spaniards do often come hither to make Oyl of their Fat, upon which account it has been visited by English men from

Jamaica, particularly by Captain Long, who, having the command of a small Bark, came hither purposely to make Sea-Oyl, and anchored on the North side of one of the sandy Islands, the most convenient Place for his design." Captain Long was nearly shipwrecked "by a fierce North-wind, which blew his Bark ashore;" but he afterwards repaired his vessel, filled his casks with oil, "and lading his Oyl . . . went merrily away for Trist." (Dampier, Voyage Round the World, II, pt. 2, 3d ed., 1705, pp. 23, 24.

Destruction of West Indian Seal.

These few extracts seem to comprise about all that relates to the early history of the West Indian seal—enough to show that it was abundant at localities widely separated, and that it was practically destroyed at a very early date through indiscriminate slaughter for its oil. At the present day a few individuals exist among the islets of Salt Key Bank, north of Cuba at some of the islands off the coast of Yucatan, and probably at a few other of the uninhabited islands between Cuba and Yucatan, and possibly at the rocks and keys off the south coast of Jamaica, where it certainly existed in small numbers forty to sixty years ago.

V.—Genus OGMORHINUS Peters.

11. Leopard Seal, *Ogmorhinus leptonyx* (Blainv.).

Habitat: Southern Seas; New Zealand and islands to the eastward and southward; Kergueland Land, Heard Island, etc.

This large Seal has a wide range in the southern seas, but its distribution and habits are still not well known. It is one of the several seals found in the southern hemisphere which the sealers confound under the general name of sea-leopard. This and the three following species fall a prey to the sea-elephant hunters, but as none of them are apparently very numerous they have never figured conspicuously in the annals of sealing.

VI.—Genus LOBODON Gray.

12. Crab eating seal, *Lobodon carcinophaga* (H. & J.).

Habitat: Southern and Antarctic oceans.

A little known species occasionally taken by the sea-elephant hunters.

VII.—Genus LEPTONYCHOTES Gill.

13. Weddell's seal, *Leptonychotes weddelli* (Gray).

Habitat: Southern seas; coasts of Patagonia, Tierra del Fuego, and islands to the southward.

A rare and little known species.

VIII.—Genus OMMATOPHOCA Gray.

14. Ross's seal, *Ommatophoca Rossi* (Gray).

Habitat: "Antarctic Seas," a little known species.

III.—Sub-family CYSTOPHORINÆ.

IX.—Genus CYSTOPHORA Nilson.

15. Hooded seal, *Cystophora cristata* (Erxl).

Habitat: North Atlantic and Arctic seas. It ranges eastward from Greenland to Spitzbergen, and along the Arctic coast of Europe, but is rarely found south of southern Norway in Europe or south of Newfoundland on the American side of the Atlantic, though sometimes straggling south in winter to Nova Scotia and Maine, and even to New York.

This species is known commonly in sealers' parlance as the hood-seal, bonnet-seal, bladder-nose, and bladder-seal, from the inflatable sac covering the nose in the adult male. It is a large animal, and for this reason is much hunted for its oil. It is migratory and pelagic, preferring the drift ice of the high seas to the vicinity of the land. It brings forth its young late in March, for this purpose resorting to the floating ice. In habits and geographical distribution it thus resembles the harp-seal. Though found on neighboring ice floes, the two species are said to rarely associate.

In the annual sealing voyages to the sealing grounds of the North Atlantic and Jan Mayen waters many hood-seals are taken along with the harps, but, owing to their much smaller numbers, they usually form no very important part of the catch.

X.—Genus MACRORHINUS F. Cuv.

16. California Sea-Elephant, *Macrorhinus angustirostris* (Gill).

Habitat: Formerly coast and islands of California, from Cape Lazaro, Lower California (latitude 24° 46′), to Point Reyes (latitude 38°), a little to the north of San Francisco; now nearly extinct.

It seems not improbable that the California sea-elephant formerly ranged southward to the Chametly and Tres Marias Islands, off the western coast of Mexico, in latitude 21° to 23°. At least seals were reported by Dampier as occurring there in 1686, but unfortunately his account is insufficient to render evident the exact species seen. There is, however, good evidence that sea-elephants were tolerably abundant during the first half of the present century at nearly all of the islands of the Pacific coast, from about latitude 25° to 38°, and that their subsequent practical extermination is due to the merciless slaughter of the professional seal hunter.

Chametly and Tres Marias islands.

Captain Scammon, writing about 1852 (see J. Ross Browne's "Resources of the Pacific Slope," App., p. 129), says: "Seals and Sea elephants once basked upon the shores of this isolated spot [Cerros Island] in vast numbers, and in years passed its surrounding shores teemed with sealers, sea-elephant and sea-otter hunters; the remains of their rude stone houses are still to be seen in many convenient places, which were once the habitations of these hardy men." He says, in another connection (Marine Mammalia, p. 147): "Our observations on the Sea-Elephants of California go to show that they have been found in much larger numbers from February to June than during other months of the year;

Report of Captain Scammon.

but more or less were at all times on shore upon their favorite beaches, which were about the islands of Santa Barbara, Cerros, Guadalupe, San Bonitos, Natividad, San Roque, and Asuncion, and some of the most inaccessible points on the main land between Asuncion and Cerros."

Islands off the coast of California.

Half a century ago vessels were freighted off the California coast with cargoes of oil and other seal products, where, the killing being as usual unrestrained and indiscriminate, now only a few individuals remain of the former great herds.

17. Southern Sea-Elephant *Macrorhinus leoninus* (Linn.).

Habitat: Southern portions of the South Pacific, South Atlantic, and Indian Oceans, and Antarctic Seas.

The "sea-elephant" of sealers has a wide geographical distribution, occurring off the coasts and about the islands of nearly the entire southern half of the southern hemisphere, or from about latitude 30° south nearly to the Antarctic Circle. Whether these so-called sea elephants are all referable to a single species, or to several species, has not as yet been satisfactorily settled, owing to lack of specimens in our museums. It is sufficient in the present connection to consider them collectively as sea-elephants, since the specific differences, if such truly exist, are obviously of slight importance; even the California sea-elephant does not differ very appreciably from its relatives of the far South.

The sea-elephant is the largest of the Pinnipeds, the walruses alone possibly excepted, the full-grown males attaining a length of 20 to 22 feet, and a girth of about 12 feet. While thus longer than the walrus they are rather slenderer. They yield a very large amount of oil, the nature of which has led to the slaughter of many thousands of these huge beasts. A full-grown male, when very fat, will yield, it is said, about 4 barrels of oil. The females are less than half the size of the males and lack the elongated snout.

At the approach of the breeding season they resort to sandy beaches in large herds, the males preceding the females, and the whole herd remains on shore for several months, or until the young are able to take the water. They also again come on shore to renew their coats, remaining more or less on shore from January to May, at the end of which period they become very lean.

Habits of Sea Elephants.

Captain Morrell thus describes their habits, as observed by him in 1823, at Kerguelan Land and the islands south of Cape Horn: "The male sea-elephant comes on shore the latter end of August—the female late in September, or about the 1st of October. . . . . When the males first come on shore they are so excessively fat that I have seen two from which might be produced a tun of oil; but after a residence of three months on land, without food, they become, as might be expected, very lean and emaciated. About the middle of December, their young being old enough to take the water, the whole breeding herd leave the shore to follow where instinct leads them among the hidden recesses of the deep. About the 1st of January the brood of the previous year come on shore to renew their coats; and in the middle of February the full-grown males and females do the same, and by the 1st day of May they have all disappeared, both old and young." He adds: "I have seen the male sea-elephant more than 25 feet in length, and measuring about 16 feet around the body; whereas the female is never half that size, and in

Habits described by Captain Morrell, 1823.

form resembles the hair-seal." (Morrell, Voyages and Discoveries, p. 76.)

South Shetland Islands.

Captain Weddell, writing more especially of the sea-elephant of the South Shetland Islands, which he visited in 1820 and following years, gives the following respecting their habits: "The males come on shore about the end of August and beginning of September, and in this month and the first part of October they are followed by the females, which, being with young since the preceding season, choose the land at this time for the purpose of parturition and procreation. When the males first arrive the fat of three or four will make a tun of oil; but the average of both males and females is about seven to a tun. As they live, while on shore, entirely without food, by the middle of December they have become very lean, and their young being at this age able to take the water, the whole of the breeding herd leave the shores.

"A second herd come up about the middle of January for the purpose of renewing their coat of hair; in March a herd of full-grown males come up for the same purpose, and by the end of April every kind of them has returned to the sea." (Weddell, Voyages, p. 135.)

Islands in South Pacific and Indian oceans.

Sea-elephants were formerly found in great abundance at nearly all of the Oceanic Islands south of the thirtieth parallel of south latitude. Kerguelan Land and Heard Island were especially favorite resorts for them. They were also abundant at the Falkland Islands, Staten Land, South Georgia, throughout the Tierra del Fuego Archipelago, on the coasts of Patagonia, and as far north on the Pacific coast of South America as Masa-Fuero and Juan Fernandez. They also occurred in large numbers at the Tristan d'Acunha group, the Crozets, the Prince Edward Islands, St. Paul and Amsterdam Islands, the coast and islands of southern Australia and New Zealand, and the numerous islands to the southward and eastward of New Zealand. At most of these points, however, they became long since practically exterminated, though still occurring at Kerguelan Land, Heard Island, and at a few other points in sufficient numbers to render sea elephant hunting attractive to the few sealers and whalers who still frequent these waters.

History of Sea-Elephant hunting.

Sea-Elephant hunting began early in the present century, and for many years, either exclusively or in conjunction with whaling, proved a lucrative employment, largely monopolized by Americans. From the incomplete statistics at hand, sea-elephant hunting appears to have been begun in 1803 on the coast of Patagonia, and was prosecuted there more or less regularly till 1819, during which period a total of about 15,000 barrels of sea elephant oil appears to have been taken from Patagonia alone. In 1817 about 2,500 barrels were taken at the Falkland Islands, and also about 2,500 barrels in 1837. In 1820–'22 about 1,000 barrels were taken at the South Shetland Islands, and again about 2,000 barrels at the same islands in 1831. About 2,000 barrels are accredited to the South Georgian Islands in 1829. In 1838 5,000 barrels were obtained at Kerguelan Land; in 1838 and 1839 about 5,000 barrels were taken at the Crozet Islands. During the decade 1840–'50 nearly half the take of sea-elephant oil (about 16,000 barrels), came from Kerguelan Land, the total take, so far as statistics are available, being about 37,000 barrels. About this time the sea-elephant hunters began to visit Heard Island, and of the 81,000 barrels taken during the decade of 1850–'60, four fifths were obtained at Kerguelan Land and Heard Island (the latter first discovered in 1853). During the following dec-

ade (1860–'70) about 36,000 barrels were reported as taken, nearly all of which came from the two last-named islands. The same is true of the decade from 1870 to 1880, but the amount of oil declined for this period to about 30,000 barrels, the decline being especially marked toward the close of the decade. It has been stated that during fifty years, beginning with the year 1837, not less than 175,000 barrels of sea-elephant oil were obtained from Kerguelan Land and Heard Island. As in later years, young of all ages as well as adults were taken, regardless, also, of season and condition, the number of sea-elephants annually destroyed at these seal islands must have been in the neighborhood of 40,000 individuals, or a total of probably over 2,000,000.

At these islands certain extensive beaches are described as being inaccessible from the water on account of the boisterous seas which constantly prevail, while precipitous cliffs render it impossible to transport the oil from these beaches to the vessels. Here great numbers of sea-elephants annually haul up in security to breed, thus preserving the species from extermination, which doubtless otherwise would long since have overtaken them.

Increasing scarcity of Sea-Elephants.

More or less sea-elephant oil has been taken annually since 1880, but the amount is small in comparison with the earlier years, owing to the increasing scarcity of the sea-elephants.

The oil is chiefly used for softening wool, and for other purposes in the manufacture of cloth, for which it is especially adapted.

The above relates only to the operations of Americans, and even for these the published statistics are far from complete (given principally by A. Howard Clark in Goode's "Fishery Industries of the United States"). When we add to this the enormous number of sea-elephants that have fallen a prey to sealers of other nationalities, it is not a matter for surprise that these animals have long since been practically extinct, commercially speaking, except at the few points where the physical surroundings afford them protection from their *in*human enemies.

GENERAL SUMMARY.

Of the thirty-one species above enumerated two are walruses, twelve are eared-seals (fur-seals and sea-lions), and seventeen are earless or true-seals. Of this number only the walruses, the fur-seals, the Sea Elephants, and four or five of the common seals have ever been hunted for their commercial products, the others being too few in numbers or of too little value commercially to render pursuit of them profitable.

Unrestricted killing always leads to extermination.

In all cases where the killing has been unrestricted and indiscriminate the species have sooner or later been brought to the verge of extermination, the period required for their extirpation varying with the accessibility of their haunts.

The small remnants still left of the former great herds of walruses owe their preservation largely to their high Arctic habitat, these animals quite early disappearing from the more accessible parts of their former ranges.

Extermination of Southern Fur Seals.

The great rookeries of fur-seals formerly found on many of the remote islands of the southern hemisphere and also about the coasts and adjacent islands of the southern portions of the southern continents, were, one after another, practically wiped out of existence during the first half of the present century, the supply of seal fur during recent years having come almost

wholly from protected seal rookeries, and chiefly from those of Bering Sea.

The sea-elephants, formerly almost as widely distributed in the southern seas as the fur-seals, and also abundant on the west coast of Mexico and California, have shared the fate of the unprotected fur-seal rookeries. The hundreds and thousands of former days are now represented by only a few scattered individuals, except at a few beaches inaccessible to the sealers.

Sea-Elephants almost extinct.

The West Indian hair-seal was nearly exterminated long before its existence became known to naturalists.

The harp and hooded-seals of the North Atlantic and Arctic Sea—the basis of the Newfoundland and Jan Mayen seal fishery—formerly existed in such immense numbers that the supply seemed inexhaustible. During recent years, however, the catch has so greatly decreased as to seriously threaten the permanency of the sealing industry. The deterioration led finally to the adoption of international provisions for an annual close-time, which is likely to be made much more rigorous as time goes on. Fortunately for the persecuted seals, bad weather often interferes with the plans of the sealers, so that for several successive years they are unable to gain access to the great breeding resorts of the seals, which have thus opportunity for recuperation.

Decline of Hair, Harp, and Hooded-Seals.

International provision for a close season.

Doubtless, if the seals of the icy seas of the north had been as easy to reach as were the fur-seal rookeries of the southern seas, they would long since have shared the same fate.

PART II.

FUR-SEAL HUNTING IN THE SOUTHERN HEMISPHERE.

By Dr. J. A. Allen.

Fur-seals formerly existed in great numbers along portions of the southern coasts of South America, South Africa, Australia, and New Zealand, on the outlying islands off these coasts, and also on many of the pelagic islands of the southern oceans. Seal hunting for commercial purposes began here during the closing decades of the last century, and as early as the beginning of the present century the industry had assumed gigantic proportions. The skins at this time, and for many years after, were taken to the Canton market and exchanged for teas, silks, and other well-known products of the Chinese Empire. The price obtained for the skins was small in comparison to their value in later years, usually ranging from 50 cents to $1 or $5 per skin. Yet the sealing business proved immensely profitable, and led to an indiscriminate and exterminating slaughter. One after another of the populous seal rookeries was visited and reduced to the verge of extermination, followed by new voyages of discovery in search of new sealing grounds, which in turn were quickly despoiled. Every seal that could be obtained was killed, regardless of age or sex. The fur-seals generally selected for their homes barren, volcanic islands, situated in stormy seas, often inaccessible except to the most venturesome, skillful, and hardy seamen. The seals that escaped the hunters usually owed their preservation to the inaccessibility of their haunts.

History.

Sealing first began in the southern hemisphere at the Falkland Islands about 1784. The immense fur-seal rookeries at the islands of Mas-á-Fuera and Juan Fernandez were first visited in 1793, where millions were taken during the next fifteen years. In the year 1800 the South Georgian rookeries were attacked and speedily exhausted. In 1801 the sealing fleet at this island numbered thirty vessels, while an equal number of vessels were employed during the same year in sealing off the coast of Chile. At about this date sealing began on the Patagonian coast, in the archipelago of Tierra del Fuego, at St. Marys Island, off the coast of Chile, and at the Saint Felix group. In 1803 and 1804 voyages were made to the coast of Australia, Borders Island, and the Antipodes. In 1804–1806 seal rookeries were discovered at the Crozet and Prince Edward Islands. In 1820 the immense wealth of Seal life at the South Shetlands was discovered and the Seals nearly exterminated in a single season. At the Auckland Islands sealing began to be vigorously prosecuted in 1822 and 1823. At these and numerous less noted fur seal resorts sealing has been intermittently prosecuted from the date of their discovery till the present time, although of late years the catch has been small and in many instances the vessels have made losing voyages. At most of

the fur-seal resorts above mentioned there are now not enough Seals left to make it worth while to attempt to capture them. At all of them the slaughter has been indiscriminate and to the highest degree improvident; since, if the killing had been wisely regulated, tens of thousands of seals might have been taken annually at each of a dozen to twenty of the larger rookeries without any undue decrease in the seal population.

Instances of Government protection.

In contrast to this may be cited not only the history of the seal rookeries in Bering Sea, but those at Lobos Island, Auckland Island, and on the west coast of South Africa, where the killing has been more or less stringently regulated by the several Goverments to whose jurisdiction these seal rookeries pertain.

In the following pages a succinct general history is given of each of the principal rookeries and fur-sealing grounds of the Southern hemisphere.[1]

FALKLAND ISLANDS.

The first cargo of fur-seal skins obtained at the Falkland Islands, or probably from anywhere south of the equator, appears to have been secured by the American ship *States* from Boston, about the year 1784. In 1792 several vessels obtained full cargoes of fur-seal skins at these islands, and they were visited by one or more vessels nearly every year as late as 1800, and subsequently at less frequent intervals till the present time. At the Falklands fur-seals were less abundant than at many of the islands off the coast of Chile and elsewhere in the Southern Seas. Yet the vessels which first visited them seem to have found little difficulty in securing good cargoes of fur-seal skins. Later the rookeries became nearly exterminated. According to the affidavit of Capt. James W. Buddington, a close season, lasting from October to April, was established in 1881, but owing to the granting of licenses for killing during the close season the ordinance was of little benefit to the seals. About 1886 the annual catch varied from fifty to five hundred skins. So far as our knowledge extends there are still a few fur-seals left at these islands.

MAS-Á-FUERO.

The island of Mas-á-Fuero, situated off the coast of Chile, in latitude 34° S. (about 400 miles west of Valparaiso), when first discovered, in 1563, swarmed with fur-seals. The island appears to have been first visited for fur-seals by the ship *Eliza*, Capt. William R. Stewart, of New York, in 1792. This vessel secured a cargo of 38,000 skins, which were taken to Canton and sold for $16,000. In 1798 Capt. Edward Fanning, of the ship *Betsey*, from New York, took 100,000 seal skins to the Canton market, nearly all of which were obtained at Mas-á-Fuero. He estimated that at the time of his leaving Mas-á-Fuero there were still left on the island between 500,000 and 700,000 Seals. (Voyages, etc., pp. 117, 118.)

[1] In compiling this statement much use has been made of the statistics and other information first published by Mr. A. Howard Clark, in Prof. G. Brown Goode's "The Fisheries and Fishery Industries of the United States." (See section V, vol. II, 1887, pp. 400-467.) The earlier history is based upon the authorities given *passim*, but the information relating to the recent history and present condition of the Southern fur-seal rookeries is based on the affidavits of masters of sealing vessels and others engaged in fur-seal fishing or in the fur-seal trade, taken by the Department of State of the United States.

Capt. A. Delano, writing of the same subject, says: "When the Americans came to Mas-á-Fuero about the year 1797, and began to make a business of killing Seals, there is no doubt but that there were 2,000,000 or 3,000,000 of them on the island. I have made an estimate of more than 3,000,000 that have been carried to Canton from thence in the space of seven years. I have carried more than 100,000 myself, and have been at the place when there were the people of fourteen ships or vessels on the island at one time killing seals." (Narr. Voy. and Trav., 1817, p. 306.) It is therefore scarcely a matter for surprise that in 1807, according to Captain Morrell (Voyages, etc., p. 130), "The business was scarcely worth following; . . . in 1824 the island, like its neighbor, Juan Fernandez, was almost entirely abandoned by these animals." In other words the Seals had become so nearly exterminated that there were not enough left to render the pursuit of them profitable. In later years the island has been visited at intervals by fur-seal hunters and small catches obtained. As late as 1891 Capt. Frank M. Gaffney states (affidavit) that on visiting the island for fur-seals he saw three or four hundred, and took nineteen, showing that a few are still to be found at Mas-á-Fuero.

JUAN FERNANDEZ.

The island of Juan Fernandez, situated a few miles to the eastward of Mas-á-Fuero, was formerly the home of immense numbers of fur-seals. Dampier, who visited this island in 1683, says: "Seals swarm as thick about this Island of John Fernando as if they had no other place in the World to live in; for there is not a Bay or Rock that one can get ashore on but is full of them. . . . These at John Fernando's have fine, thick, short Furr; the like I have not taken notice of anywhere but in these Seas. Here are always thousands, I might say possibly millions of them, either sitting on the Bays, or going and coming in the Sea round the Island; which is covered with them (as they lye at the top of the Water playing and sunning themselves) for a mile or two from the shore. When they come out of the Sea they bleat like Sheep for their young; and though they pass through hundreds of others' young ones, before they come to their own, yet they will not suffer any of them to suck. The young ones are like Puppies and lie much ashore; but when beaten by any of us, they, as well as the old ones, will make toward the Sea, and swim very swift and nimble; tho on shore they lie very sluggishly, and will not go out of our way unless we beat them, but snap at us. A blow on the nose soon kills them. Large ships might here load themselves with Seal Skins and Trayne Oyl, for they are extraordinary fat." (A New Voyage Round the World, etc., 1697, pp. 89, 90.)

Seal-hunting began at Juan Fernandez at the same time as at Mas á-Fuero, the two islands being but a few miles apart and the fur seals frequenting them belonging to the same herd. Owing to the early settlement of this island (it had a population of 3,000, according to Delano, in the year 1800) the seals probably found the island an uncongenial resort almost before the sealing business fairly began, as Delano, writing in 1800, says there were not then any seals on any part of it. (Voyages and Travels, etc., 1817, p. 313.) Subsequently the island appears to have been visited at intervals by sealers in search of fur-seals, but always with poor success. Although not yet extinct there (see affidavit of Capt. Frank M. Gaffney, who reports seeing a few fur-seals there in December, 1891), the number left is too small to possess any commercial importance.

GALAPAGOS ISLANDS.

The Galapagos Islands, situated under the equator, about 600 miles west of Ecuador, are the home of fur-seals, which probably belong to a different species from that formerly so abundant farther south. The Galapagos seals reside at the islands throughout the year; they are said to breed in caves and to bring forth their young at all seasons. The supply here appears never to have been abundant. Delano, writing in 1800, says: "These islands afford some seals of both the hair and fur kind; and I think a vessel might procure several thousands of the two kinds, upon the whole of this cluster of islands, as all of them afford some." (Voyages and Travels, p. 381.) They were frequently visited later, and Captain Fanning states (Voyages, p. 410) that in 1816 he obtained there 8,000 fur-seals and 2,000 hair seals. Capt. Benjamin Morrell mentions taking a few fur-seals at the south end of Albemarle Island in November, 1825 (Narrative of Four Voyages, etc., 1832, p. 221), and doubtless many have been taken at the Galapagos since that date. Capt. Charles W. Reed (affidavit) states that in 1872 he took 3,000 fur-seals at these islands, and about as many more during three subsequent voyages, between this date and 1880. In 1885 Capt. Gaffney (affidavit) obtained 1,000 fur-seals there.

ST. FELIX, ST. AMBROSE, ST. MARYS ISLANDS, ETC.

Islands off coast of Chile.

Many of the small islands off the coast of Chile, from the strait of Magellan northward, were formerly inhabited by colonies of fur-seals. Even before the annihilation of the seal rookeries at Juan Fernandez and Mas-á-Fuero, these islands were visited by the sealers, from some of which they reaped rich harvests. Delano, writing in 1801, speaks of St. Felix and St. Ambrose islands as being visited by the sealers, the greater part of the catch being taken from St. Felix, the larger island of the group. (Voyages and Travels, p. 354.) In 1816 Capt. Edward Fanning took 14,000 fur-seal skins at St. Marys. (Voyages, etc., p. 411.) He also speaks of having visited these islands in 1891 and of finding there a small fleet of American sealers, five ships and a schooner. (*Ibid.*, p. 306.) While it is impossible to give even approximate statistics of the catch, the aggregate number of seals taken must have been large.

At some of these islands small remnants of the former herds still exist, as shown by the affidavits of Capts. Frank M. Gaffney and George Fogel. The latter states that in 1870 he saw at Chillaway thousands of fur-seals; in 1891, however, there were "no seals there worth mentioning." In December, 1891, Captain Gaffney saw only two fur-seals at St. Felix and St. Ambrose islands, where formerly they were so abundant. At Rees Islet (lat. 46° 45′ S., long. 75° 45′ W.) during a stay of two weeks in December, 1891, he obtained one seal. He says, however, that they still breed there, but that the Chilians go there and kill all that they can obtain, as has been the case for many years at other islands off the Chilean coast. Hence there is little opportunity for the recuperation of the seal herds.

TIERRA DEL FUEGO AND THE PATAGONIAN COASTS.

The group of islands south of Patagonia known as Terra del Fuego, with which may be here included the Diego Ramirez group, are celebrated for the number of sea-elephants and fur-seals which they have

yielded to commerce, as are also the coasts and outlying islands of Patagonia. Without going into details as to the former abundance of fur-seals in this general region, it may suffice to show that at present the species is practically extinct, at least in a commercial sense. Says Captain Budington (affidavit), great numbers were formerly taken on the east coast of Patagonia; at present there are no seals there. There are not enough on the Patagonian coasts to pay for hunting them. He says that in 1881 he took 600 fur-seals on the Western coast, at Pictou Landing. In 1889 he again visited this coast and obtained only four skins.

At Tierra del Fuego and adjacent islands he took 5,000 skins during the season of 1879–'80; in 1891–'92 he obtained only 900, and these came from another part of the coast. Formerly thousands of skins were taken there, "but the animals are practically extinct there to-day."

Mr. George Comer states (affidavit) that he spent the years 1879 to 1882 about Tierra del Fuego and the coasts of Patagonia and Chile, on a three years' sealing cruise. During these three years, he says, "Our catch was 4,000 seals, 2,000 of which were taken the first year, and we practically cleaned the rookeries out."

The testimony of Capt. Caleb Lindahl (affidavit), a sealer of long experience, is to the same effect. He states that in October, 1891, he went on a sealing cruise to the South Seas, starting in sealing off the coast of Patagonia and sealing there and in the neighboring seas till the following March. He says: "The seals are nearly all killed off down there, so that we got only about twenty skins. It is no use for vessels to go there sealing any more. I was there twelve years ago on a sealing expedition and the rookeries were full of seals. Now they are nearly all gone. They never gave the seals a chance to breed there. They shot them as soon as they came up on the rocks."

Cape Horn.

The so-called "Cape Horn" catch, which presumably includes all of the fur-seals taken off the coasts of southern South America and the various outlying islands and archipelagos to the southward, from 1876 to 1892, aggregates a total of about 113,000 skins, varying in different years from about 17,500 in 1880 to less than 1,000 in 1886, but averaging for the last ten years about 3,500 annually. (Affidavit of Emil Teichmann, of the London firm of C. M. Lampson & Co.)

LOBOS ISLAND.

The fur-seal rookery on Lobos Island, off the mouth of the Rio de la Plata and belonging to the Republic of Uruguay, is one of the few that have escaped annihilation at the hands of the seal hunter. Many fur-seals were taken here prior to 1820. Captain Morrell (Voyages, p. 154) found men stationed there to take seals, in 1824 and Captain Weddell (Voyages, p. 142), writing in 1825, refers to Lobos Island as being farmed out by the Government of Montevideo for sealing purposes, under regulations designed to prevent the extermination of the seals. As evidence that the matter has been long managed with discretion may be cited the statistics given in the affidavits of Messrs. Emil Teichmann and Alfred Fraser (of the firm of C. M. Lampson & Co., of London), which show that the catch for the last twenty years has averaged about 13,000 a year, or a total of some 250,000 fur-seal skins. This throws into strong relief the folly of the exterminating slaughter of fur-seals that has been waged unremittingly for nearly a century throughout the southern seas.

SOUTH SHETLAND ISLANDS.

The South Shetlands constitute a numerous group of small islands situated about 300 miles south of Cape Horn. Sealing began here in 1819, when the American brig *Hersilia*, from Stonington, Conn., and an English vessel from Buenos Ayres obtained cargoes of very fine fur-seal skins. News of the discovery of this new sealing ground quickly spread, and before the end of the following year a fleet of thirty vessels (eighteen American, ten English, and two Russian) had reached the South Shetland to gather in the valuable pelts of the hapless seals. Captain Weddell, writing in 1825, gives the following account of the slaughter which ensued: "The quantity of seals taken off these islands by vessels from different parts during the years 1821 and 1822 may be computed at 320,000, and the quantity of sea elephant oil at 940 tons. This valuable animal, the fur-seal, might, by a law similar to that which restrains fishermen in the size of the mesh of their nets, have been spared to render annually 100,000 fur-seals for many years to come. This would have followed from not killing the mothers until the young were able to take the water, and even then only those which appeared to be old, together with a proportion of the males, thereby diminishing their total number, but in slow progression. This system is practiced at the river of Plata. The island of Lobos, at the mouth of that river, contains a quantity of seals and is farmed by the Government of Montevideo, under certain restrictions, that the hunter shall take them only at stated periods, in order to prevent extermination. The system of extermination was practiced, however, at the South Shetlands; for whenever a seal reached the beach, of whatever denomination, he was immediately killed and his skin taken, and by this means, at the end of the second year the animals became nearly extinct. The young, having lost their mothers when only three or four days old, of course died, which at the lowest calculation exceeded 100,000." (Voyages, etc., pp. 141, 142.) The history of the South Shetland seal fishery since this indiscriminate and exterminating slaughter is thus given by C. A. Williams in his report to a committee of Congress on Merchant Marine and Fisheries in 1888: "In 1872, fifty years after the slaughter at the Shetland Islands, the localities before mentioned were all revisited by another generation of hunters, and in the sixteen years that have elapsed they have searched every beach and gleaned every rock known to their predecessors and found a few secluded and inhospitable places before unknown, and the net result of all their toil and daring for the years scarcely amounted to 45,000 skins; and now not even a remnant remains save on the rocks off the pitch of Cape Horn. The last vessel at South Shetland this year of 1888, after hunting all the group, found only thirty-five skins, and the last, at Kerguelan Land, only sixty-one, including pups. So in wretched waste and wanton destruction has gone out forever from the Southern Seas a race of animals useful to man and a possible industry connected with them. And it is plain that without the aid of law to guide and control no other result could have been expected or attained."

The narrative is brought down to date by the following testimony from the affidavit of Capt. James W. Budington: "The shores of these islands were once covered with seals, but there are practically none there now. I don't think 100 skins could be taken from there at the present time, while I have known of one vessel taking 60,000 in a season." He adds that in the season of 1871–'72, six vessels took about 12,000 skins, and that in 1873–'74 a fleet of seven vessels took about

5,000. Up to 1880 from 100 to 200 were taken annually. Since 1880 the rookeries were not worked until 1888–'89, when Captain Budington took 39 skins, and 1891, 41 skins.

SOUTH GEORGIA ISLAND.

The island of South Georgia is situated about 300 miles east of Cape Horn in about latitude 55° south. When the island was first discovered sea-elephants and fur-seals were abundant on its shores. Capt. Edmund Fanning, of the American corvette *Aspasia*, visited this island in 1800 and secured a cargo of 57,000 fur-seals, and states that sixteen other vessels procured, at the same island, between November, 1800, and February, 1801, 65,000 fur-seal skins, making a total of 112,000 skins taken there in a single season (Fanning, Voyages, p. 299). The slaughter continued during succeeding years until the supply of seals was exhausted, the total number of fur-seal skins taken here during these early years being estimated by Captain Weddell at not less than 1,200,000. He also states writing in 1822: "These animals are now almost extinct." (Voyages, p. 53.) During many years following this period of slaughter the island was rarely molested by sealers, but so few seals had been left alive that their increase was very slow. Captain Morrell, in November, 1822, vainly searched its shores for several days for fur-seals. (Voyages, p. 58.) Capt. James W. Budington states (affidavit) that on visiting the island in 1874 he took 1,450 skins, and that in 1875 five vessels secured 690; the next season (1876) four vessels obtained 110. The island was not worked again till January, 1892, when Captain Budington took 135 fur-seal skins, "none, however, coming from the old rookeries," which had become practically exterminated long before. "The seals of South Georgia," says Captain Budington, "are practically extinct." (See also affidavit of Alfred Fraser, of the firm of C. M. Lampson & Co., London.)

Mr. George Comer who visited the island in 1885 and 1886 as mate of a sealing vessel, says (affidavit), "We heard reports of the number of seals formerly taken there, but we did not get a seal, and saw only one." He took three there, however, in 1887.

SANDWICH LAND.

Early in the present century many fur-seals were taken at Bouvette Island and Sandwich Land, small islands a few hundred miles southwest of South Georgia, but when visited by Captain Morrell in 1822, he found not a single fur-seal at Sandwich Land, and succeeded in procuring only about 200 at Bouvette Island. (Morrell's Voyages, pp. 58, 59, and 66.)

According to Captain Budington (affidavit), in 1875–'76, the southern island of Sandwich Land was searched unsuccessfully for seals, but about 2,000 were taken that season on the northern island, where also in the season of 1876–'77 six vessels took about 4,000. The next year's catch, however, did not exceed 100 skins. During the season of 1880–'81 the island was again visited but no seals were taken. In 1891–'92 about 400 were obtained and about 200 more were seen. Prior to 1871 the Sandwich Land group of islands had not been worked for twenty-five or thirty years, during which time the seals had greatly increased in numbers and had become very tame. At first they were easily killed with clubs, but since 1880 it has been necessary to shoot them. Old and young were killed indiscriminately, only the young pups being left,

which were killed by buzzards or died of starvation. Captain Budington further adds that "seals in the Antarctic regions are practically extinct, and I have given up the business as being unprofitable. The whole annual catch for seven vessels has not exceeded 2,600 skins for the last four years."

TRISTAN DA CUNHA ISLANDS AND GOUGH ISLAND.

The Tristan group of islands, situated in the South Atlantic, about midway between South America and the Cape of Good Hope, was first visited for fur-seals in 1790, by Captain Patten, of the American schooner *Industry*, of Philadelphia, who secured 5,600 skins. Large numbers are said to have been subsequently obtained there, probably mainly from the smaller islands of the group, Inaccessible and Nightingale islands. The latter is apparently still frequented by a few fur-seals.

Gough Island.

Gough Island, somewhat to the southward of the Tristan group, formerly abounded with fur-seals. Captain Morrell, writing in 1829, says: "This island used to abound with fur-seal and sea-elephants; but they were so much annoyed by their relentless persecuters that they have sought more safe and distant retreats, perhaps some lonely isles in the southern ocean as yet unknown to that fell destroyer, *man*. These places might be easily found, however, if merchants were willing to risk the expense of the attempt." (Voyages, p. 356.) Fur-seals appear to have survived at Gough Island, however, till the present time. Mr. George Comer states (in his affidavit) that his vessel put six men on the island in 1887, where they remained nine months, taking about forty or fifty skins. He adds: "Years before the English had had the working of Gough Island and had run the business out, so there were practically no seals there."

PRINCE EDWARD AND CROZET ISLANDS.

The Prince Edward Islands are situated about 900 miles southeast of the Cape of Good Hope. They formerly yielded a large supply of both fur-seals and sea-elephants. About 1806 Capt. H. Fanning, in the American ship *Catherine*, of New York, obtained a full cargo of fur-seals at these islands, as did other vessels the same year. At that time the islands were frequented by vast numbers of seals, but definite statistics respecting the number taken are not available. (Fanning's Voyages, pp. 336 and 338.)

Crozet Islands.

The Crozet Islands are in the same latitude (about 46° S.) as Prince Edward Islands and Kerguelen Land, and about half way between these two groups. The first sealer to visit them was Captain Fanning, in 1805; but, although he found an abundance of fur-seals there, he passed on to the Prince Edward group. Later both sea-elephants and fur-seals were taken in large numbers, seal hunting being carried on here for many years. At Possession Island, the largest of the group, Capt. Lindesay Brine, R. N., refers to finding, in 1876, "hundreds of seals, which were resting on the damp grass bordering on the stream which at this point enters the sea." (Geogr. Mag., 1877, p. 267.)

In 1887, according to George Comer (see his affidavit), a sealing party was left by him on these islands for five months, but they took only three seals. The English at Cape Town, says Mr. Comer, had recommended us to go there, because they said that "formerly they had taken a great nubmer of skins there."

KERGUELEN LAND.

This large island, also known as Desolation Island, which lies in the southern Indian Ocean, in about latitude 49° S., and in about longitude 69° E., has long been celebrated for the great numbers of sea-elephants taken there. It has also furnished a small supply of fur-seals. Sealing began here as early as 1830, and has continued till the present time, mainly for sea-elephants. Mr. H. M. Moseley, of the *Challenger* expedition, states that in January, 1874, two of the whaling schooners then at the island "killed over seventy fur-seals on one day and upwards of twenty on another at some small islands off Howes Foreland." "It is a pity," he adds, "that some discretion is not exercised in killing the animals. * * * The sealers in Kerguelen Land kill all they can find." (Notes by a naturalist on the *Challenger*, p. 189.)

Respecting its still more recent history, the following may be cited from the affidavit of Mr. George Comer, who spent five months there in the winter of 1883 and 1884, obtaining six seals. He says further: "About 1850 this island was visited by an American who practically cleaned off the seals. The captain I shipped with, Joseph Fuller, visited the island in 1880 and took 3,600 seals, practically all there were; and this was the increase for thirty years from 1850." Heard Island, about 300 miles south of Kerguelen Land, which has been a noted hunting ground for sea-elephants, appears to have never been much of a fur-seal resort.

BORDER'S ISLAND, ANTIPODES ISLANDS, BOUNTY ISLANDS, AUCKLAND ISLANDS, ETC.

About the beginning of the present century the occurrence of fur and hair-seals in considerable numbers along the southwestern coast of Australia and in the vicinity of Tasmania and New Zealand was made known by Cook, Bass, Flinders, Anson, Peron, Ross, and other early navigators.[1] A little later, stimulated by these reports, the adventurous sealers discovered an apparently almost inexhaustible supply of these animals on the numerous small islands off the southeastern coast of New Zealand. Border's Island was discovered by Captain Pendleton, of the American brig *Union*, of New York, in 1802. Although he reached here toward the end of the sealing season, he secured some 14,000 fur-seal skins. He also visited Antipodes Islands, where he left a crew of men to take seals and await the return of the vessel from Sydney, New South Wales, which, however, was lost on a subsequent cruise to the Feejee Islands. On the receipt of this sad news at Sydney, "Mr. Lord chartered a ship and proceeded with her to the island of Antipodes. At this place the officers and crew whom Captain Pendleton had left there had taken and cured rising of 60,000 prime fur-seal skins, a parcel of very superior quality." (Fanning, Voyages, etc., p. 326.)

Southwest Pacific.

Border's Island.

Antipodes Island.

Polack states that Macquarie Island was discovered by a sealing master in 1811, who procured there a cargo of 80,000 seal skins. (Polack, New Zealand, II, p 376.)

Macquarie Island.

Mr. A. W. Scott states, on information furnished by a professional sealer named Morris: "In New South Wales the sealing trade was at

[1] For a detailed compilation of these early accounts, see Clark (J. W.) in Proc. Zoöl. Soc. London, 1875, pp. 653–658.

his height from 1810 to 1820; the first systematic promoters of which were the Sydney firms of Cable, Lord, & Underwood, Riley & Jones, Birnie, and Hoak & Campbell. . . To so great an extent was this indiscriminate killing carried that in two years (1814–1815) no less than 400,000 skins were obtained from Penantepod, or Antipodes Island alone, and necessarily collected in so hasty a manner that very many of them were imperfectly cured. The ship *Pegassus* took home 100,000 of these in bulk, and on her arrival in London the skins, having heated during the voyage, had to be dug out of the hold, and were sold as manure, a sad and reckless waste of life." (Scott, Mammalia, Recent and Extinct, Pinnata, pp. 18, 19.) According to other authorities, the New Zealand sealing industry ceased to be a paying investment prior to 1863.

Auckland Islands.

Respecting the Auckland Islands, Morrell says: "In the year 1823, Capt. Robert Johnson, in the schooner *Henry*, of New York, took from this island and the surrounding islets about 13,000 of as good fur-seal skins as ever were brought to the New York market. . . . Although the Auckland Isles once abounded with numerous herds of fur and hair-seals, the American and English seamen engaged in this business have made such clean work of it as scarcely to leave a breed; at all events, there was not one fur-seal to be found on the 4th of January, 1830." (Morrell, Voyages, p. 363.)

Bounty Isles.

Early in the present century many fur and hair-seals were taken from the Bounty Isles, near the southern end of New Zealand; from the Snares and the Traps, from Stewarts, Chatham, and Campbell's Islands, and also from other islands to the Southward of New Zealand; but at most of these points they appear to have become very soon practically exterminated. A few survived the general slaughter, and in recent years, under the protection of the Government of the Colony of New Zealand, have so far increased that there have been of late years a small annual catch of fur-seals in the New Zealand waters, amounting to from 1,000 to 2,000 per year. (Affidavit of Emil Teichmann.)

ST. PAUL AND AMSTERDAM ISLANDS.

These islands, situated in the southern Indian Ocean (about lat. 38° S., long. 77° 35′ E.), midway between the Cape of Good Hope and Australia, were first visited by Capt. Henry Cox in May, 1789. He says: "On first landing, we found the shore covered with such multitude of seals that we were obliged to disperse them before we got out of the boat. . . . We procured here a thousand seal skins of a very superior quality, while we remained at the island of Amsterdam, besides several casks of good oil for our binnacles and other purposes." (Cox Voy. to Teneriffe, Amsterdam, etc., p. 10.)

Lord Macartney, who touched at Amsterdam in 1773, found five men here collecting seal skins for the Canton market. He says of the seals: "In the summer months they come ashore, sometimes in droves of 800 or 1,000 at a time, out of which 100 are destoyed, that number being as many as 5 men can skin and peg down to dry in the course of a day. . . . Most of those which come ashore are females, in the proportion of more than thirty to one male." (Sir G. Staunton, Acc. of an Embassy from the King of Great Britain to the Emperor of China, I, p. 210.)

I find no definite references to sealing at these islands in later years,

but it is probable they were not overlooked by the enterprising sealers who, during the next fifty years, explored every nook and corner of the southern seas in search of prey. Scores of voyages are simply credited, in Mr. A. Howard Clarke's statistical history of fur sealing (already cited), however, simply to the "Southern Seas." M. Charles Vélain, who visited these islands in 1874, with the French Transit of Venus Expedition, reports that they were at that date still visited by considerable herds of fur-seals. (Cf. J. W. Clark, Proc. Zoöl. Soc. London, 1875, p. 653.)

WEST COAST OF SOUTH AFRICA AND ADJACENT ISLANDS.

As early as the year 1790, sealing voyages were made to the west coast of South Africa, and a greater or less number of fur-seals appear to have been taken here at intervals from that time till the present. In October and November, 1828, Capt. Benjamin Morrell cruised along the west coast from the Cape of Good Hope to Walwich Bay, in about 23° S., searching for seals. From his narrative it appears that he first met with them at a small island in latitude 31° 32′ S., about half a mile off the coast. (Morrell, Voyages.) South Africa.

At Ichaboe Island, 8 leagues north of Angra Pequena, he found great numbers of fur-seals, and "took about a thousand of their skins in a few days." He speaks of the island as the resort of "multitudes of fur-seals." (*Ibid*, p. 294.) Having taken "as many Fur-Seal skins here as was practicable," he passed on a few leagues farther to Mercury Island (lat. 25° 42′ S., long. 14° 58′ E.), where he took about a thousand Fur-Seal skins. At Bird Island, about 1 degree farther north, he obtained "the skins of 1,400 fur-seal at one time, although the landing was very bad." (*Ibid*., pp. 295, 296.) "As the season (November) was not sufficiently advanced for the seals to come up in their usual numbers on the islands and rocks" south of Walwich Bay, he made an excursion into the interior and again visited these islands about the end of December. He then took a few seals from Bird Island, and made an attack upon those on Mercury Island. "The rush of my little party," he says, "was simultaneous; every nerve and muscle was exerted, and we had reached the opposite side of the rookery, killing several seal on our way, when we found that the other party, under command of Mr. Burton, had been stopped in 'mid-course' about the center of the rookery by the immense number of seal that began to pour down the steep rocks and precipices like an irresistible torrent, bearing down their assailants, and taking several of the men nearly into the sea with them. . . . Several hundred fur-seal were left lifeless on the shore and rocks." Owing to a fatal accident to one of his most valued men, due to a heavy breaker engulfing three of the party, the island, with its wealth of seals, was immediately abandoned and the vessel returned directly to the Cape of Good Hope, having taken, in all, about 4,000 seals. (*Ibid*., pp. 304–306.) Ichaboe Island. Mercury Island. Bird Island.

In 1830 Capt. Gurdon L. Allyn, with the sealing schooner *Spark*, of New London, Conn., visited Ichaboe Island, but arrived too late in the season (January 14) to secure many fur seals. He found the carcasses of about a thousand from which the skins had been removed by sealers who had preceded him the same season. He says, speaking of the coast generally: "The coast was well sealed, and we could only glean a few from the roughest rocks. . . . . We found a few Seals at each landing, ... and by the 6th of September had taken

600 Seal skins." He secured small catches at intervals during the following months, and started for home on March 31, 1831, with a cargo of 3,700 skins. In 1834 he made another voyage with two vessels to the same coast, visiting Ichaboe, Mercury, and Bird Islands. The first season's work amounted to only about 800 skins, the seals being scarce and shy. Respecting the next season (1835) he says: "The Seals having been harassed so much, the prospect was slim for the next season, but by putting men on the small rocks to shoot them, and by great diligence, we managed to secure about 1,000 skins to both vessels, which was a slim season's work." (Capt. G. L. Allyn. The Old Sailor's Story, as quoted by Mr. C. Howard Clark.)

Sealing appears to have been abandoned for some years following on the African coast, owing to the low price of seal-furs and the scarcity of the seals. It has, however, since been resumed, and placed under restrictions by the Government of the Colony of the Cape of Good Hope, the seal islands being rented to a sealing company under certain stipulated conditions, and poaching rigorously prohibited. The yield is small but steady, averaging about 5,000 skins per annum. (Affidavit of Emil Teichmann, of the London firm of furriers, C. M. Lampson & Co.)

Cape of Good Hope.

Government regulations.

PART III.

THE ALASKAN FUR-SEAL AND PELAGIC SEALING.

By J. A. Allen.

By request of the Secretary of State of the United States I have examined the report of the Commissioners appointed by the President in 1891 to investigate the subject of the fur-seal industry as conducted at the Pribilof Islands, and the influence of pelagic seal hunting in its relation thereto; also the numerous affidavits relating to the same subjects obtained by the Department of State from former United States Treasury agents in charge of the sealing industry at the said islands; from agents of the Alaskan Commercial, the North American Commercial, and the Russian Sealskin Companies; from officers of the United States Revenue Marine; from masters of sealing schooners and seal hunters engaged in pelagic sealing, and from the leading dealers and experts in the fur-seal trade, as well as the history of many now extinct fur-seal fisheries. I have also examined the reports, statistics, affidavits, and arguments contained in the Blue Books published by command of Her Britannic Majesty numbered C.–6131 (1890), C.–6368 (1891), C.–6633 (1892), C.–6634 (1892), and C.–6635 (1892), and the Annual Reports of the Department of Fisheries of the Dominion of Canada for the years 1885 to 1891, inclusive; in view of all which evidence and testimonies I submit the following statement in relation to the principal points of the subject:

1. The true home of the fur-seals of the eastern waters of the North Pacific Ocean and Bering Sea is the Pribilof group of islands in Bering Sea. It is to these islands that the seals repair annually to breed, and there is no evidence that they breed elsewhere than on these islands. It is evident, from what we know of seal life elsewhere, that were the climate sufficiently mild in winter they would undoubtedly pass the whole year at these islands. Owing, however, to the inclemency of the winter months the fur-seals are forced to migrate southward in search of food and a milder climate. Some of the males, however, especially the bachelors, are known to remain about the islands, particularly in mild winters, nearly the whole year. Generally the greater part move southward and eastward to some point south of the Aleutian chain. They leave the Pribilof Islands much later in autumn than the females and young seals, and return thither much earlier in spring. The males in returning northward in spring evidently pass, in the main, much further from the coast than the females, and their northward migration is more rapid and direct.

Pribilof Islands.

Migration of seals.

The females on leaving the islands in the autumn move gradually southward as far at least as the coast of California, where they were formerly often seen in large numbers in January and February. Later in the season they proceed gradually northward, passing generally quite

near the coast, the route varying in different years, being evidently governed by the runs of fish and the position of the various fishing banks. They move leisurely as compared with the males, which have preceded them, the females being heavy with young, and pausing often to feed and sleep, but landing nowhere till they reach their sole and only breeding grounds on the Pribilof Islands.

The Pribilof herd has thus had its own exclusive home, with fixed and definite lines of migration along the western coast of North America.

Commander Islands.

2. The Commander Islands herd is evidently distinct and separate from the Pribilof Islands herd. Its home is the Commander group of islands on the western side of Bering Sea, and its line of migration is westward and southward along the Asiatic coast. To suppose that the two herds mingle, and that the same animal may at one time be a member of one herd and at another time of the other, is contrary to what is known of the habits of migrating animals in general. Besides, while the two herds are classified by naturalists as belonging to one and the same species, namely, the *Callorhinus ursinus*, they yet present slight physical differences, as in the shape of the body and in the character of the hair and fur, as regards both color and texture, sufficient not only to enable experts in the fur trade to recognize to which herd a given skin belongs, but sufficient to affect its commercial value. As yet, expert naturalists have been unable to make a direct comparison of the two animals, but the differences alleged by furriers as distinguishing the representatives of the two herds point to their being separable as subspecies, in other words, as well-marked geographic phases, and thus necessarily distinct in habitat and migration.

Islands off southern California.

3. Since fur-seal breeding rookeries are reported to have formerly existed on some of the small islands off southern California, it has been assumed that they were a portion of the Pribilof herd, which sometimes remain south to breed. Such an assumption is entirely opposed to what is known of the habits and distribution of marine life and to well-grounded principles of geographic distribution, namely, that a fur-seal breeding on an arctic island, which it annually travels thousands of miles to reach, would also choose for a breeding station an island in subtropical latitudes. Fortunately the rebuttal of this assumption does not depend upon the generalizations of the naturalist, since specimens have been recently obtained from Guadalupe Island which show that, while a fur-seal formerly occurred there, and is still found there in small numbers, it is not only not the Pribilof species, but a seal belonging to a distinct genus, hitherto only known as an inhabitant of the southern hemisphere. This Guadalupe Island fur-seal, of which I have had the opportunity of examining, in conjunction with Dr. C. Hart Merriam, a series of four skulls, proves to be a species of the genus *Arctocephalus*, and is apparently closely allied to the fur-seal of the Galapagos Islands, the previously most northern known limit of the genus.

Guadalupe Island.

Habits of Alaskan Fur Seals.

4. There is not only no evidence to show that the fur-seal of the Pribilof Islands ever lands upon any part of the shore or on any part of the islands of the western coast of North America south of the Pribilof Islands, but there is also no evidence that it ever brings forth its young at sea, either in the water or on floating beds of kelp. Such a method of breeding is obviously a physical impossibility, when the character of the animal, and particularly the condition of the young at birth, is duly considered. The

young fur-seal is exclusively a land animal for the first six or eight weeks of its life and does not voluntarily visit the water till about the end of this period. If placed in the water during the first few weeks of its existence it will quickly drown if left to itself. When first born it is encumbered for a greater or less length of time with the placental envelopes, which alone would insure its speedy death by drowning should parturition occur in the water. The young fur-seal avoids and is afraid of the sea until, at the age of six to eight weeks, it is conducted to the water and taught to swim by its mother. Of this fact the evidence is unanimous and overwhelming. The claim sometimes made that parturition may occur in the open sea or on beds of floating kelp rests on no sound evidence, and is doubtless due to misapprehension and careless observation.

Mode of propagation.

5. The breeding female not only resorts to the land to give birth to her young, but remains there until she has been again impregnated by the male, which occurs ordinarily within a few days after parturition. Copulation in the water is exceptional, if ever occurring, and is probably impossible, owing to the immense disparity in size between the sexes, and the protracted and violent nature of the act. The presumption that it may occur in the water is entirely opposed to the well-known sexual economy of the species. The males are not only polygamous, but they take their positions on the rookeries long before the females arrive at the islands, fighting not only for the possession of their chosen stations, but for the females as they land, which they gather about them in as large numbers as possible, jealously guarding them not only from their rivals, but to prevent their escaping from their respective harems. If parturition and copulation could occur in the sea the exercise of any such tyrannical jurisdiction of the males over the females would be impossible and the seraglio system so well established not only in the case of this species, but in all its allies, would not be the one striking feature in the sexual economy of the whole eared-seal family, wherever its representatives are found.

6. Only males of 6 years old and upwards have the courage and physical endurance to render them successful contestants for positions on the breeding rookeries, and only a portion of these are able to establish harems and serve the females. It is a well established fact that a bull of this class is able to serve from forty to sixty females, the number he actually serves varying more or less according to his success in gathering the females to form his harem. As the number of males and females annually born is about equal, there is thus an immense superfluity of male life, so far as the unlimited perpetuation of the species is concerned.

Size of Pribilof herd.

7. The history of the Pribilof fur-seal herd shows that for a period of about 15 years it was possible to kill for commercial purposes 100,000 young male seals annually with not only no recognizable decrease or deterioration of the herd, but apparently a decided increase up to about the year 1880. The following three or four years is commonly recognized as a period of stagnation, during which time there was no very material increase or decrease. Since 1884, however, there has been a rapid decline not only in the number of killable males, but in the size of the herd as a whole.

Decline due to pelagic sealing.

8. This remarkable and unexpected decline originated through no change in the management of the fur-seal herd at the Pribilof Islands. During the last two or three years, however, and in consequence of the decline from the former status of the herd, it has been necessary to lower the age of seals

selected for killing, and also to redrive portions of the herd, in order to secure even the greatly restricted quota allowed to be taken in 1890, the last year of killing for commercial purposes. This decline in the number of seals on the Pribilof rookeries is coincident with the increase in the number of seals taken by pelagic sealing in the waters of Bering Sea and of the North Pacific adjacent to the American coast. It is evident from the statistics of the Northwest catch, extending over a period of twenty years, that pelagic sealing must have begun to affect unfavorably the Pribilof herd as early as 1880, although its effect was not clearly recognized until a number of years later. These statistics show that the pelagic catch of the Northwest Coast from 1872 to 1884 aggregated upward of 150,000 seals, and that from 1885 to 1891, inclusive, the Northwest catch numbered upward of 330,000. The annual pelagic catch increased from about 20,000 in 1885 to upward of 60,000 in 1891. These figures alone indicate an immense and steadily increasing drain upon the Pribilof herd, from which almost solely this pelagic catch was drawn.

Wasteful character of pelagic sealing.

9. But the decline of the Pribilof herd has been far greater than these statistics would in themselves seem to imply. A careful analysis of the character of the Northwest catch and the methods of pelagic sealing affords, however, a complete and satisfactory explanation of the disaster that has overtaken the Pribilof herd. In the first place, there is reasonable, and apparently wholly conclusive, evidence that at least 80 per cent of the 480,000 Seals captured by pelagic sealing during the years 1872 to 1891 (including both these years), were female seals, by far the greater part of which were either heavy with young or had young dependent on them for nourishment when killed. Secondly, the actual catch as reported represents only a portion of the seals killed by the seal hunters, the average estimate of conservative and apparently impartial reporters being that about 60 per cent of the seals killed in pelagic sealing are lost. From the voluminous evidence in hand it is apparent that this estimate is much below the actual facts, startling as they seem. There is first an admitted pelagic catch of over 480,000 seals during the last twenty years; it is assumed that in taking this catch 288,000 additional seals were killed, making a total of 768,000. As at least 80 per cent of these may be assumed to have been females, either carrying young or having young dependent upon them, we may add 612,400 as the number of young seals (either unborn or nursing pups) destroyed through the death of the breeding females, making an aggregate loss to the Pribilof herd in twenty years of 1,430,000 seals. Of this total two-thirds were killed during the seven years preceding 1892, to which period the decline in the Pribilof herd is mainly limited. Throwing out of the account the number of seals killed and lost by pelagic hunting, the reported catch alone has involved the death of 500,000 seals in seven years. Hence the assumption that the total annual loss during this period consequent upon pelagic sealing must aggregate 100,000 is quite within the bounds of probability. This is an actual subtraction from the herd. If these breeding seals and pups had been allowed to live and reproduce, it is reasonable to suppose, making a liberal allowance for the natural death rate and for the continued killing of the usual number of young male seals on the rookeries, that they would have added at least 1,000,000 seals to the seal population of 1892.

Proportion of wounded Seals lost.

10. The only element in serious controversy upon which the above estimates in part depend is the proportion of seals killed in pelagic sealing and lost. While some pelagic sealers claim (see affidavits in the British Blue Book,

C.-6635, 1892) that all of the wounded seals which escape capture quickly recover from their wounds and in reality are not seriously injured, only about 5 per cent at most being lost, other seal hunters, proprietors and masters of sealing schooners, and others who have had access to trustworthy sources of information, admit a much larger percentage of loss, ranging from 40 to 50 per cent, or even higher. That the first claim is absurd is evident to any one familiar with hunting, even on land, where the chances of recovering fatally wounded game are at a maximum. Only such seals as are instantly disabled can be secured, and even many of these must be lost, since the specific gravity of a dead seal is greater than that of the water in which it is killed. Those only wounded, whether fatally or otherwise, dive and escape capture. The less severely wounded may, and in many cases doubtless do, recover from their wounds; but, in the nature of things, many others must die of their injuries. There is a wide range of chances between an instantaneously fatal or disabling shot and a slight wound from which the victim may readily recover, with obviously a large proportion of them on the fatal side of the dividing line. It is necessary, therefore to admit that a very large number of seals are killed in pelagic sealing which form no part of the actual catch.

Pelagic catch 90 per cent females.

11. The proof of the claim that 80 to 90 per cent (probably the latter figure is nearer the truth) of the seals killed in pelagic sealing are females is varied and conclusive. It is so stated by the experts in the fur trade, whose business it is to classify and grade the skins in accordance with their value and quality. The usual marks which characterize maternity are not only obvious in a seal's pelt, but the quality of the pelt of the breeding female is much inferior to that of the "bachelor" seals, which constitute the catch from the rookeries. The Northwest Coast or pelagic catch has sometimes been designated in the trade as the "female catch," from the great predominance of female pelts.

Dead pups.

Again, dead pups at the Pribilof rookeries were of rare occurrence prior to pelagic sealing in Bering Sea, being too infrequent to attract attention, and generally due to some obvious accident on the rookeries. Soon after pelagic sealing began in Bering Sea dead pups became so numerous as to attract general attention, both by their number and condition, their extreme emaciation clearly indicating death from starvation. The number of dead pups on the Pribilof rookeries at the end of the season in 1891 was estimated by good authorities at 20,000.

It is further a well-established fact that the mother seal recognizes her own young and will permit only her own to nurse her. Hence every unweaned pup which loses its mother is doomed to die of starvation. It is further well known that the mother seals leave the islands at frequent intervals and proceed far out to sea in search of food.

Reasons why females are killed.

12. From the evidence in hand it is obvious that in pelagic sealing female seals are not killed by preference but from necessity, if any seals are to be taken: first, because in the North Pacific the male seals are too alert and travel too rapidly to be readily taken, while in Bering Sea they are either continuously on the islands or make only short and infrequent excursions into the open sea; second, because the females while in the North Pacific are less agile than the males, being heavy with young, and, arriving later at the islands, take more time for the journey, traveling less rapidly and spending much time asleep on the water, and are thus more easily approached by the hunter; in Bering Sea they

make long excursions for food, and are thus again here much more exposed to the attacks of the pelagic hunter than the males.

Decrease due to pelagic sealing.

13. From the foregoing summary it is evident that the decline in the number of the killable seals at the Pribilof rookeries and the immense decrease in the total number of seals on the Pribilof Islands are not due to any change in the management of the seal herd at the islands, but to the direct and unquestionably deleterious effects of pelagic sealing. At the islands the killing is regulated with reference to the number of killable seals on the rookeries; the designated quota is limited to nonbreeding young males, and every seal killed is utilized. The killing, as thus regulated, does not impair the productiveness of the rookeries. In pelagic sealing the slaughter is indiscriminate and unlimited, and a large proportion of the seals killed are lost. The catch also consists almost wholly of breeding females, which at the time of capture are either heavy with young or have young on the rookeries depending upon them for sustenance. Thus two or more seals are destroyed to every one utilized and nearly all are drawn from the class on which the very existence of the seal herd depends.

Results of pelagic sealing.

14. The results of pelagic sealing may be thus summarized: (1) The immense reduction of the herd at the Pribilof Islands and its threatened annihilation. (2) The extermination of the Pribilof herd will be practically accomplished within a few years if pelagic sealing is continued. (3) There will soon be too few seals left in the North Pacific and Bering Sea to render pelagic sealing commercially profitable. (4) The harm already done can not be repaired in years, even if all sealing, whether pelagic or at the islands, be strictly prohibited for a considerable period.

STATEMENTS AND LETTERS OF NATURALISTS.

STATEMENT BY PROF. T. H. HUXLEY.

The following statement by Prof. T. H. Huxley, F. R. S., etc., the eminent naturalist, was prepared at the request of the counsel for the United States. As appears from the statement itself, it was given by Professor Huxley as a scientist, not as a retained advocate.

1. The problem of the fur-seal fishery appears to me to be exactly analogous to that which is presented by salmon fisheries. The Pribilof Islands answer to the upper waters of a salmon river; the Bering Sea south of them and the waters of the northwest Pacific from California to the Shumagin Islands to the rest of the course of the river, its estuary, and the adjacent seacoast. The animals breed in the former and feed in the latter, migrating at regular periods from the one to the other.

(The question whether the fur-seals have any breeding places on the northwest coast outside of Bering Sea may be left open, as there seems to be no doubt that the main body breeds at the Pribilofs.)

2. An important difference is that the females, bachelors, and yearling fur-seals feed largely within a radius of, say, 50 miles of the Pribilof Islands, while the adult salmon do not feed (sensibly, at any rate) in the upper waters.

3. It is clear in the case of fur-seals, as in that of the salmon, that man is an agent of destruction of very great potency, probably outweighing all others. It would be possible in the case of a salmon river to fish it in such a fashion that every ascending or descending fish should be caught and the fishery be in this way surely and completely destroyed. All our salmon-fishery legislation is directed towards the end of preserving the breeding grounds on the one hand and, on the other, of preventing the lower-water fishermen from capturing too large a proportion of the ascending fish.

4. Our fishery regulations are strict and minute. Every salmon river has its fishery board, composed of representatives of both the upper and the lower water fisheries, whose business it is to make by laws under the acts of Parliament and to see that they are carried out. A Government inspector of fisheries looks after them and holds inquiries under the authority of the home secretary in case of disputes. On the whole, the system works well. The fisheries of rivers, which have been pretty nearly depopulated, have been restored, and the yield of the best is maintained. But the upper water and lower water proprietors are everlastingly at war, each vowing that the other is ruining the fisheries, and the inspector has large opportunities of estimating the value of diametrically opposite assertions about matters of fact.

5. In the case of the fur-seal fisheries, the destructive agency of man is prepotent on the Pribilof Islands. It is obvious that the seals might

be destroyed and driven away completely in two or three seasons. Moreover, as the number of "bachelors" in any given season is easily ascertained, it is possible to keep down the take to such a percentage as shall do no harm to the stock. The conditions for efficient regulation are here quite ideal.

6. But in Bering Sea and on the northwest coast the case is totally altered. In order to get rid of all complications, let it be supposed that western North America, from Bering Straits to California, is in the possession of one power, and that we have only to consider the question of the regulations which that power should make and enforce in order to preserve the fur-seal fisheries. Suppose, further, that the authority of that power extended over Bering Sea and over all the northwest Pacific east of a line drawn from the Shumagin Islands to California.

Under such conditions I should say (looking at nothing but the preservation of the seals) that the best course would be to prohibit the taking of the fur-seals anywhere except on the Pribilof Islands, and to limit the take to such percentage as experience proved to be consistent with the preservation of a good average stock. The furs would be in the best order, the waste of life would be least, and, if the system were honestly worked, there could be no danger of overfishing.

7. However, since northwest America does not belong to one power, and since international law does not acknowledge Bering Sea to be a *mare clausum*, nor recognize the jurisdiction of a riverain power beyond the 3-mile limit, it is quite clear that this ideal arrangement is impracticable.

The case of the fur-seal fisheries is, in fact, even more difficult than that of the salmon fisheries, in such a river as the Rhine, where the upper waters belong to one power and the lower to another.

8. The northwest Pacific, from California to Shumagin (at any rate), is open to all the world, and, according to the evidence, the seals keep mainly outside the 3-mile limit. A convention between Britain and the United States (backed by a number of active cruisers) might restrain the subjects of both. But what about ships under another flag?

9. Moreover, I do not see how the Canadians could be reasonably expected to give up their fishery for the sake of preserving the Pribilof fisheries, in which they have no interest.

10. If, however, it is admitted that the Canadians can not be asked to give up their fisheries, I see no way out of the difficulty except one, and I do not know that it is practicable.

It is that the Pribilof, Bering, and northwest coast fur-seal fisheries shall be considered national property on the part of the United States and Great Britain, to be worked by a joint fishery commission, which shall have power to make by-laws under the terms of a general treaty, to which I suppose other powers (who have hardly any interest in the matter) could be got to agree.

11. I am free to confess that my experience of the proceedings of fishery boards does not encourage me to hope that the proceedings of such a commission would be altogether harmonious, but if it were composed of sensible men they would, sooner or later, struggle out into a *modus vivendi;* for, after all, it is as much the Canadian interest that the Pribilof fisheries should be preserved as it is the United States interest that the seals should not be extirpated in Bering Sea and the northwest Pacific.

12. In such a case as this I do not believe that the enforcement of a close time, either in Bering Sea or on the northwest coast, would be of any practical utility, unless the fishing is absolutely prohibited (which

I take to be out of the question). It must be permitted while the seals are in the sea; and if it is permitted there is no limit to the destruction which may be effected.

Numerous as the seals may be, they are a trifle compared with herring schools and cod walls, and human agency is relatively a far more important factor in destruction in their case than in that of herrings and cod. Up to this time fishing has made no sensible impression on the great herring and cod fisheries; but it has been easy to extirpate seal fisheries.

13. Finally, I venture to remark that there are only two alternative courses worth pursuing.

One is to let the fur-seals be extirpated. Mankind will not suffer much if the ladies are obliged to do without sealskin jackets; and the fraction of the English, Canadian, and American population which lives on the sealskin industry will be no worse off than the vastly greater multitude who have had to suffer for the vagaries of fashion times out of number. Certainly, if the seals are to be a source of constant bickering between two nations the sooner they are abolished the better.

The other course is to tread down all merely personal and trade interest in pursuit of an arrangement that will work and be fair all round; and to sink all the stupidities of national vanity and political self-seeking along with them.

There is a great deal too much of all these undeniable elements apparent in the documents which I have been studying.

T. H. HUXLEY.

APRIL 25, 1892.

AFFIDAVIT BY DR. PHILIP LUTLEY SCLATER.

Philip Lutley Sclater, PH. D., secretary of the Zoölogical Society of London, being duly sworn, doth depose and say that in his opinion as a naturalist—

1. Unless proper measures are taken to restrict the indiscriminate capture of the fur-seal in the North Pacific he is of opinion that the extermination of this species will take place in a few years, as it has already done in the case of other species of the same group in other parts of the world.

2. It seems to him that the proper way of proceeding would be to stop the killing of females and young of the fur-seal altogether or as far as possible, and to restrict the killing of the males to a certain number in each year.

3. The only way he can imagine by which these rules could be carried out is by killing the seals only in the islands at the breeding time (at which time it appears that the young males keep apart from the females and old males), and by preventing altogether, as far as possible, the destruction of the fur-seals at all other times and in other places.

PHILIP LUTLEY SCLATER, PH. D., F. R. S.

Sworn at the offices of the Zoölogical Society of London, No. 3 Hanover Square, London, England, this 16th day of May, A. D. 1892, before me.

[L. S.] FRANCIS W. FRIGOUT,
Vice and Deputy and Acting Consul-General of the United States of America at London, England.

CIRCULAR LETTER OF DR. C. HART MERRIAM.

Dr. C. Hart Merriam, one of the American Bering Sea Commissioners, addressed the following circular letter to various leading naturalists in different parts of the world, for the purpose of obtaining their views as to the best method of preserving the fur-seals of Alaska.

WASHINGTON, D. C., *April 2, 1892.*

DEAR SIR: The Government of the United States having selected me as a naturalist to investigate and report upon the condition of the fur-seal rookeries on the Pribilof Islands, in Bering Sea, with special reference to the causes of decrease and the measures necessary for the restoration and permanent preservation of the seal herd, I visited the Pribilof Islands and made an extended investigation of the subject, the results of which are here briefly outlined.

FACTS IN THE LIFE HISTORY OF THE NORTHERN FUR-SEAL (*Callorhinus Ursinus*).

1. The fur-seal is an inhabitant of Bering Sea and the Sea of Okhotsk, where it breeds on rocky islands. But four breeding colonies are known, namely, (1) the Pribilof Islands, belonging to the United States; (2) the Commander Islands, belonging to Russia; (3) Robben Reef, belonging to Russia; and (4) the Kuril Islands, belonging to Japan. The Pribilof and Commander islands are in Bering Sea; Robben Reef in the Sea of Okhotsk near the Island of Saghalien, and the Kuril Islands between Yezo and Kamtchatka. The species is not known to breed in any other part of the world.

2. In winter the fur-seal migrates into the North Pacific Ocean.

The herds from the Commander Islands, Robben Reef, and the Kuril Islands move south along the Japan coast. The Pribilof Islands herd moves south through the passes in the Aleutian chain. The old breeding males are not known to range much south of these islands. The females and young reach the American coast as far south as California.

3. Returning, the herds of females move northward along the coast of California, Oregon, Washington, and British Columbia in January, February, and March, occurring at varying distances from shore. Following the Alaska coast northward and westward they leave the North Pacific Ocean in June, traversing the passes in the Aleutian chain, and proceed at once to the Pribilof Islands.

4. The old (breeding) males reach the islands much earlier, the first coming the last week in April or early in May. They at once land and take stands on the rookeries, where they await the arrival of the females. Each male (called a bull) selects a large rock, on or near which he remains, unless driven off by stronger bulls, until August, never leaving for a single instant, night or day, and taking neither food nor water. Before the arrival of the females (called cows) the bulls fight savagely among themselves for positions on the rookeries, and many are severely wounded. All the bulls are located by June 20.

5. The pregnant cows begin arriving early in June, and soon appear in large schools or droves, immense numbers taking their places on the rookeries each day between June 12 and the end of the month, varying with the weather. They assemble about the old bulls in compact groups called harems. The harems are complete early in July, at which time the breeding rookeries attain their maximum size and compactness.

6. The cows give birth to their young soon after taking their places

on the harems. The period of gestation is between eleven and twelve months.

7. A single young is born in each instance. The young at birth are about equally divided as to sex.

8. The act of nursing is performed on land, never in the water. It is necessary, therefore, for the cows to remain at the islands until the young are weaned, which is when they are 4 or 5 months old.

9. The fur-seal is polygamous and the male is at least three times as large as the female. Each male serves fifteen to twenty-five females.

10. Copulation takes place on land. Most of the cows are served by the middle of July, or soon after the birth of their pups. They then take to the water and come and go for food while nursing.

11. The pups huddle together in small groups called "pods," at some distance from the water. When 6 or 8 weeks old they move down to the water's edge and learn to swim. The pups are not born at sea, and if soon after birth they are washed into the sea they are drowned.

12. The cows are believed to take the bull first when 2 years old, and deliver their first pup when 3 years old.

13. Bulls first take stands on the breeding rookeries when 6 or 7 years old. Before this they are not powerful enough to fight the older bulls for positions on the harems.

14. Cows when nursing, and the nonbreeding seals, regularly travel long distances to feed. They are commonly found 100 or 150 miles from the islands and sometimes at greater distances.

15. The food of the fur-seal consists of fish, squids, crustaceans, and probably other forms of marine life also.

16. The great majority of cows, pups, and such of the breeding bulls as have not already gone, leave the islands about the middle of November, the date varying considerably with the season.

17. The nonbreeding male seals ("holluschickie"), together with a few old bulls, remain until January, and in rare instances even until February.

18. The fur-seal as a species is present at the Pribilof Islands eight or nine months of the year, or from two-thirds to three-fourths of the time, and in mild winters sometimes during the entire year. The breeding bulls arrive earliest and remain continuously on the islands about four months; the breeding cows remain about six months, and the nonbreeding male seals about eight or nine months, and sometimes during the entire year.

SEALS KILLED ON THE PRIBILOF ISLANDS.

19. The only seals killed for commercial purposes at the Seal Islands are nonbreeding males (under five or six years of age, called "holluschickie"). They come up on the rookeries apart from the breeding seals, and large numbers are present by the latter part of May. They constantly pass back and forth from the water to the hauling grounds. These animals are driven by the natives (Aleuts) from the hauling grounds to the killing grounds, where they are divided up into little groups. Those selected as of suitable size are killed with a club by a blow on the head; the others go into the water and soon reappear on the hauling grounds. In this way about one hundred thousand young males have been killed annually on the Pribilof Islands for twenty years.

20. In addition to the commercial killing above described, a number of male pups were formerly killed each year to furnish food for the natives, but the killing of pups is now prohibited by the Government.

PRESENT NUMBERS COMPARED WITH FORMER ABUNDANCE.

The rookeries on both St. Paul and St. George Islands bear unmistakable evidence of having undergone great reduction in size during the past few years. This evidence consists (1) in the universal testimony of all who saw them at an earlier period, and (2) in the presence upon the back part of each rookery of a well-marked strip or zone of grass-covered land, varying from 100 to 500 feet in width, on which the stones and bowlders are flipper-worn and polished by the former movements of the seals, and the grass is yellowish-green in color and of a different genus (*Glyceria angustata*) from the rank, high grass usually growing immediately behind it (*Elymus mollis*). In many places the ground between the tussocks and hummocks of grass is covered with a thin layer of felting, composed of the shed hairs of the seals matted down and mixed with excrement, urine, and surface soil. The exact year when this yellow-grass zone was last occupied by seals is difficult to ascertain, but the bulk of testimony points to 1886 or 1887. The aggregate size of the areas formerly occupied is at least four times as great as that of the present rookeries.

CAUSES WHICH LED TO THE DEPLETION OF THE ROOKERIES.

The seals which move northward along the coast of the northwestern United States, British Columbia, and southeastern Alaska from January until late in June are chiefly pregnant females, and about 90 per cent of the seals killed by pelagic sealers in the North Pacific are females heavy with young. For obvious reasons many more seals are wounded than killed outright, and many more that are killed sink before they can be reached, and consequently are lost. As each of these contains a young, it is evident that several are destroyed to every one secured.

For several years the pelagic sealers were content to pursue their destructive work in the North Pacific, but of late they have entered Bering Sea, where they continue to capture seals in the water throughout the entire summer. The females killed during this period are giving milk and are away from the islands in search of food. Their young starve to death on the rookeries. I saw vast numbers of such dead pups on the island of St. Paul last summer (1891), and the total number of their carcasses remaining on the Pribilof Islands at the end of the season of 1891 has been estimated by the United States Treasury agents at not less than 20,000.

The number of sealskins actually secured and sold as a result of pelagic sealing is shown in the following table:

Year.	Number of skins.	Year.	Number of skins.
1872	1,029	1882	17,700
1873	—?	1883	9,195
1874	4,949	1884	?14,000
1875	1,646	1885	13,000
1876	2,042	1886	38,907
1877	—?	1887	33,800
1878	264	1888	36,818
1879	12,500+	1889	39,563
1880	13,600	1890	51,404
1881	13,541	1891	62,500

Inasmuch as the number of seals annually secured by pelagic sealing represents but a fraction of the total number killed, a glance at the above figures is enough to show that the destruction of seal life thus produced is alone sufficient to explain the present depleted condition of the rookeries.

Pelagic sealing as now conducted is carried on in the North Pacific Ocean from January until late in June, and in Bering Sea in July, August, and September. Some sealing schooners remain as late as November, but they do so for the purpose of raiding the rookeries.

It has been alleged that overkilling of young males at the islands is a principal cause of the depleted condition of the rookeries.

In reply to this contention it is only necessary to bear in mind that the number of male and female fur-seals is equal at birth, that the species is polygamous, and that each male serves on an average at least fifteen to twenty-five females. It is evident, therefore, that there must be a great superabundance of males, of which a large percentage may be killed annually forever without in the slightest degree endangering the productiveness of the herd. Furthermore, it has been shown that the killing of seals at the Pribilof Islands is completely under the control of man and is restricted to the superfluous males, for *selection* as to sex and age can be and is exercised so that neither females nor breeding males are killed. It is evident that this killing of nonbreeding males could in no way affect the size or annual product of the breeding rookeries unless the number killed was so great that enough males were not left to mature for breeding purposes. There is no evidence that this has ever been the case. Moreover, all seals killed or wounded are invariably secured and their skins marketed; in other words, *there is neither waste of the seal herd, nor impairment of the productiveness of the breeding stock.*

Pelagic sealing, on the other hand, is wasteful in the extreme and is directed to the fountain head or source of supply. From the very nature of the case selection can not be exercised, and a large percentage of seals wounded are lost. Owing to the peculiar movements of the seal herds, it so happens that about 90 per cent of the seals killed in the North Pacific are females heavy with young, entailing a destruction of two seal lives for every adult seal killed. In Bering Sea, also, large numbers of females are taken; these females are in milk, and their young die of starvation on the rookeries.

Pelagic sealing as an industry is of recent origin, and may be said to date from 1879. The number of vessels engaged has steadily increased, as has the number of seals killed, until it appears that unless checked by international legislation the commercial extermination of the seal is only a matter of a few years. It seems a fair inference, therefore, that the only way to restore the depleted rookeries to their former condition is to stop taking seals at sea, and not only in Bering Sea, but in the North Pacific as well.

Having been selected by my Government solely as a naturalist, and having investigated the facts and arrived at the above conclusions and recommendations from the standpoint of a naturalist, I desire to know if you agree or differ with me in considering these conclusions and recommendations justified and necessitated by the facts in the case.

I shall be greatly obliged if you will favor me with a reply.

Very truly yours,

C. HART MERRIAM.

REPLY OF DR. ALPHONSE MILNE EDWARDS, LE DIRECTEUR DU MUSÉUM D'HISTOIRE NATURELLE, PARIS, FRANCE.

PARIS, FRANCE, *le 20 avril, 1892.*

MONSIEUR, J'ai lu avec un grand intérêt la lettre que vous m'avez adressée relativement aux phoques à fourrure de la mer de Berhing, et je pense qu'il y aurait un réel avantage à ce que des mesures internationales fussent concertées afin d'assurer une protection efficace à ces précieux animaux.

Aujourd'hui, les facilités de transport dont disposent les pêcheurs sont si grandes, les procédés de destruction dont ils usent sont si perfectionnés que les espèces animales, objet de leur convoitise, ne peuvent leur échapper. Nous savons que nos oiseaux migrateurs sont, pendant leurs voyages, en but à une véritable guerre d'extermination et une commission ornithologique internationale a déja examiné, non sans utilité, toutes les questions qui se rattachent à leur conservation.

N'y aurait il pas lieu de mettre les phoques à fourrure sous la sauvegarde de la marine des nations civilisées?

Ce qui s'est passé dans les mers australes peut nous servir d'avertissement.

Il y a moins d'un siècle, ces amphibies y vivaient en troupes innombrables. En 1808, lorsque Fanning visita les îles de la Georgie du Sud, un navire quittait ces parages, emportant 14,000 peaux de phoques appartenant à l'espèce *Arctocephalus australis*. Il s'en procure, lui-même, 57,000 et il évalue à 112,000 le nombre de ces animaux tués pendant les quelques semaines que les marins y passèrent cette année-là. En 1822, Weddell visite ces îles et il évalue à 1,200,000 le nombre des peaux obtenues dans cette localité.

La même année, 320,000 phoques à fourrure furent tués aux Shetland Australes.

Les conséquences inéluctables de cette tuerie furent une diminution rapide du nombre de ces animaux. Aussi, malgré les mesures de protection prises, depuis quelques années, par le Gouverneur des Malouines, ces phoques sont encore très rares et les naturalistes de l'expédition française de la "*Romanche*" ont séjourné près d'une année à la Terre de Feu et aux Malouines sans pouvoir en capturer un seul exemplaire.

C'est une source de richesse qui se trouve tarie.

Il en sera bientôt ainsi du *Callorhinus ursinus* dans l'Océan Pacifique Nord et il est temps d'assurer à ces animaux une sécurité qui leur permette une reproduction régulière.

J'ai suivi avec beaucoup d'attention les enquêtes qui avaient été faites par le Gouvernement des États-Unis à ce sujet. Les rapports des commissions envoyées aux Iles Pribilou ont fait connaître aux naturalistes un très grand nombre de faits d'un haut intérêt scientifique et ont démontré que l'on pouvait, sans inconvénients, pratiquer des coupes réglées dans ces troupes de phoques où les mâles sont en excès. On a appliqué là, de la manière la plus heureuse, ce que l'on pourrait appeler l'impôt sur les célibataires, et on aurait assuré la conservation indéfinie de l'espèce, si les émigrants, à leur retour dans les stations de reproduction, n'avaient été assaillis et pourchassés de toute façon.

Il y a donc lieu de tirer parti des renseignements très complets que l'on possède sur les conditions d'existence des phoques à fourrure afin d'en empêcher l'anéantissement et une commission internationale peut, seule, indiquer les règles dont pêcheurs ne devraient pas se départir.

Veuillez agréer, Monsieur, l'expression de mes sentiments très distingués.

Le directeur du Muséum d'histoire naturelle,

A. MILNE EDWARDS.

M. le docteur MERRIAM.

[Translation.]

PARIS, *April 20, 1892.*

SIR: I have read with great interest the letter you addressed me with reference to the fur seals of Bering Sea, and I think it would be of real advantage to have concerted international measures so as to insure an effective protection to those valuable animals.

To-day the means of transportation at the disposal of the fishermen are so great, the processes of destruction which they employ are so improved, that the animal species, the object of their desire, can not escape them. We know that our migratory birds are, during their travels, exposed to a real war of extermination, and an ornithological international commission has already examined, not unprofitably, all the questions relating to their preservation.

Would it not be possible to put fur seals under the protection of the navy of civilized nations?

What has happened in the Southern Ocean may serve as a warning to us.

Less than a century ago these amphibia existed there in countless herds. In 1808, when Fanning visited the islands of South Georgia, one ship left those shores, carrying away 14,000 sealskins belonging to the species *Arctocephalus Australis*. He himself obtained 57,000 of them, and he estimated at 112,000 the number of these animals killed during the few weeks the sailors spent there that year.

In 1822 Weddell visits these islands and he estimates at 1,200,000 the number of skins obtained in that locality. The same year 320,000 fur seals were killed in the South Shetlands. The inevitable consequences of this slaughter were a rapid decrease in the number of these animals. So, in spite of the measures of protection taken during the last few years by the Governor of the Falkland Islands, these seals are still very rare, and the naturalists of the French expedition of the *Romanche* remained for nearly a year at Tierra del Fuego and the Falkland Islands without being able to capture a single specimen.

It is a source of wealth which is now exhausted.

It will soon be thus with the *Callorhinus ursinus* in the North Pacific Ocean, and it is time to insure to these animals a security which may allow them regular reproduction.

I have followed with much attention the investigations which have been made by the Government of the United States on this subject. The reports of the commissioners sent to the Pribilof Islands have made known to naturalists a very large number of facts of great scientific interest, and have demonstrated that a regulated system of killing may be safely applied in the case of these herds of seals when there is a superfluity of males. What might be called a tax on celibacy was applied in this way in the most satisfactory manner, and the indefinite preservation of the species would have been assured, if the emigrants, on their way back to their breeding places, had not been attacked and pursued in every way.

There is, then, every reason to turn to account the very complete information which we possess on the conditions of fur-seal life in order

to prevent their annihilation, and an International Commission can alone determine the rules, from which the fishermen should not depart.

Accept, etc.,

A. MILNE-EDWARDS,
Director of the Museum of Natural History.

REPLY OF DR. ALFRED NEHRING, PROFESSOR DER ZOOLOGIE AN DER KOENIGLICHEN LANDWIRTHSCHAFTLICHEN HOCHSCHULE ZU BERLIN.

KÖNIGLICHE LANDWIRTHSCHAFTLICHE
HOCHSCHULE ZU BERLIN,
BERLIN, *den 21. April 1892.*

Herrn C. HART MERRIAM,
Washington, D. C., U. S. Department of Agriculture:

HOCHGEEHRTER HERR! Nachdem ich Ihr ausführliches, sehr interessantes Schreiben vom 2. d. M., welches mir durch Herrn John Brinkerhoff Jackson, Legationssekretär bei der nordamerikanischen Gesandtschaft hieselbst, gestern zuging, genau durchgelesen und erwogen habe, verfehle ich nicht, Ihnen meine Ansicht über den Inhalt derselben zugehen zu lassen.

Ihre Darlegungen über die Lebensweise und namentlich über die jährlichen Wanderungen der Pelzrobben (*Callorhinus ursinus*), welche auf den Prybilof-Inseln ihre Fortpflanzungsstätte haben, sind so klar und überzeugend, harmonieren auch so vollständing mit dem, was andere zuverlässige Naturforscher beobachtet haben, dass ich den von Ihnen daraus gezogenen Deductionen *durchaus beistimme*. Ich bin, gleich Ihnen, der Ansicht, dass die auffallende Abnahme der Pelzrobben auf den Rookeries der Prybilof-Inseln, welche sich in den letzten Jahren mehr und mehr gezeigt hat, vorzugsweise oder vielleicht ausschliesslich auf die irrationelle, verwüstende Robbenjagd der auf offener See jagenden Seehunds- und Pelzrobben-Jäger zurückzuführen ist. Die einzige rationelle Jagdmethode, welche sich für die Pelzrobbe (*Callorhinus ursinus*) geeignet ist und eine Ausrottung dieser werthvollen Thierart hindert, ist diejenige, welche bisher auf den Prybilof-Inseln unter Aufsicht der Regierung ausgeübt wurde. Jede andere Jagdart auf die nordische Pelzrobbe sollte, nach meiner Ansicht, durch internationale Vereinbarungen verboten werden; ich möchte höchstens eine lokale Verfolgung der Pelzrobben, da, wo sie etwa in ihren südlichen Winterquartieren der Fischerei schädlich werden, befürworten. Die pelagische Pelzrobben-Jagd halte ich für sehr irrationell; sie muss bald zu einer an Ausrottung grenzenden Vermindrung der Pelzrobben führen.

Hochachtungsvoll und ergebenst,

Prof. Dr. ALFRED NEHRING,
Professor d. Zoologie an der kgl. Landwirthschaftlichen Hochschule zu Berlin.

[Translation.]

ROYAL AGRICULTURAL COLLEGE OF BERLIN,
Berlin, April 21, 1892.

Mr. C. HART MERRIAM,
United States Department of Agriculture, Washington, D. C.:

HIGHLY ESTEEMED SIR: I have carefully read and considered your elaborate and very interesting letter of the 2d instant, which I received yesterday through Mr. John Brinkerhoff Jackson, Secretary of Lega-

tion of the North American Legation in this city, and, in reply, I send you a statement of my views with regard to its contents.

What you say concerning the mode of life, and especially the annual migrations of the fur-seal (*Callorhinus Ursinus*), whose breeding places are the Pribilof Islands, is so clear and convincing, and harmonizes so perfectly with what has been observed by other reliable scientists, that I *fully agree* with your deductions. I am, like yourself, of the opinion that the remarkable decrease of fur seals on the rookeries of the Pribilof Islands, which has, of late years, become more and more evident, is to be attributed mainly, or perhaps exclusively, to the unreasonable destruction caused by the sealers who ply their avocation in the open sea. The only rational method of taking the fur seal, and the only one that is not likely to result in the extermination of this valuable animal, is the one which has hitherto been employed on the Pribilof Islands under the supervision of the Government. Any other method of taking the northern fur seal should, in my opinion, be prohibited by international agreement. I should, at furthest, approve a local pursuit of the fur seal, where it is destructive of the fisheries in its southern winter quarters. I regard pelagic fur-sealing as very unwise; it must soon lead to a decrease, bordering on extermination, of the fur-seal.

With great respect,

Prof. Dr. ALFRED NEHRING,
Professor of Zoology in the Royal Agricultural College of Berlin.

Reply of Prof. Robert Collett, of the Zoological Museum of the University of Christiania-Norway.

CHRISTIANIA, *April 22, 1892.*

MY DEAR SIR: It would be a very easy reply to your highly interesting treatise of the fur seal, which you have been kind enough to send us, when I only answered you that I agree with you entirely in all points. No doubt it would be the greatest value for the rookeries on the Prybilof Island, as well as for the preservation of the existence of the seal, if it would be possible to stop the sealing at sea at all. But that will no doubt be very difficult, when so many nations partake in the sealing and how that is to go about I can not know. My own countrymen are killing every year many thousands of seals and *cystophoræ* on the ice barrier between Spitzbergen and Greenland, but never females with young; either are the old ones caught, or, and that is the greatest number, the young seals. But there is a close time, accepted by the different nations, just to prohibit the killing of the females with young. Perhaps a similar close-time could be accepted in the Bering Sea, but that is a question about which I can not have any opinion.

Many thanks for the paper.

Yours, very truly,

R. COLLETT.

Reply of Dr. Gustav Hartlaub, of Bremen, Germany.

BREMEN, *Apr. 23, '92.*

Herrn C. HART MERRIAM:

GEEHRTER HERR: Ich habe Ihr vortreffliches Memoire über den Northern Fur Seal mit dem lebhaftesten Interesse gelesen und wieder

gelesen. Ich bin allerdings weit davon entfernt, mir selbst ein competentes Urtheil in dieser Sache zuzuschreiben. Nach Allem aber, was so klar und einleuchtend von Ihnen zusammengestellt ist, will es mir scheinen, dass die von Ihnen vorgeschlagenen Maassregeln, dem drohenden Untergange des Northern Fur Seal vorzubeugen, die *einzig richtigen und Erfolg versprechenden sind.* Ich bedauere sehr, dass aus practischen Gründen wohl nicht daran zu denken sein wird, dass der Robbenschlag für einige Jahre *ganz* sistirt werde! das würde noch wirksamer sein, dem schwer bedrohten Thiere numerisch aufzuhelfen. Jedenfalls ist hier Gefahr im Verzuge und man kann nicht stark genug betonen, dass doch die von Ihnen so wirksam motivirten Vorschläge baldmöglichst zur Ausführung gelangen möchten.

Mit bestem Dank für das meiner Begutachtung geschenkte Vertrauen, zeichne ich, geehrter Herr,

Ihr ganz ergebener,

G. HARTLAUB, *Dr.*

[Translation.]

BREMEN, *April 23, 1892.*

Mr. C. HART MERRIAM:

DEAR SIR: Your excellent report on the Northern fur seal I have read and reread with intense interest.

I am far from attributing to myself a competent judgment regarding this matter, but considering all facts which you have so clearly and convincingly combined and expressed, it seems to me that the measures you propose in order to prohibit the threatening decay of the northern fur seal are *the only correct ones promising an effective result.*

I sincerely regret that for practical reasons it can not be thought of to prohibit fur-seal hunting for a few years entirely, as this would naturally assist numerically the menaced animal.

There is at any rate danger in view, and it can not be too strongly emphasized that your so well founded proposals should be executed at the earliest time possible.

With sincere thanks for the confidence you have placed in my judgment,

I am, dear sir, your most obedient,

G. HARTLAUB, Dr.

Reply of Professor Count Tommaso Salvadori, of the Museo Zoologico, Turin, Italy.

ZOOLOGICAL MUSEUM, *Turin, April 25, 1892.*

C. HART MERRIAM,
U. S. Department of Agriculture,
Division of Ornithology, Washington, D. C.:

DEAR SIR: I have received your letter concerning the Northern fur seal, on the condition of which you have been selected as naturalist to investigate and report by the Government of the United States.

As a whole I agree with you as to the facts and conclusions drawn on your report, although the increasing number of seal skins actually secured and sold, as a result of pelagic sealing, shown in your table, does not sufficiently proove, in my mind, that we are already in the period of a decided diminution of the number of living seals. Still, I

quite admit that it is absolutely necessary to adopt some measures for the preservation of the seal heards.

No doubt the free pelagic sealing is a cause, which will act to the destruction of the seal heards, and to that it must be put a stop as soon as possible. But, at the same time, I think that the yearly killing of about 100,000 young males on the Pribilof Islands must have some influence on the diminutions of the heards, especially preventing the natural or sexual selection of the stronger males, which would follow, if the young males were not killed in such a great number. So that, with the stopping of the pelagic sealing, I think that, at least for a few years, also the slaughter of so many young males in the Pribilof Islands should be prohibited.

I remain, very truly yours,

Prof. T. SALVADORI.

Reply of Dr. Leopold Von Schrenck, Member of the Imperial Academy of Sciences, St. Petersburg, Russia.

ST. PETERSBURG, *April* $\frac{13}{25}$, *1892.*

DEAR SIR: Having read with eager and critical attention the memoir you have addressed to me upon the condition of the Fur Seal rookeries on the Pribilof Islands in Bering Sea, the causes of decrease and the measures necessary for the restoration and permanent preservation of the seal herd, I can not but completely agree with you in considering the conclusions and recommendations you arrived at quite justified and necessitated by the facts. I am also persuaded that the pelagic sealing, if pursued in the same manner in future, will necessarily end with the extermination of the Fur Seal.

Very truly yours,

LEOPOLD VON SCHRENCK,
Member of the Imperial Academy of Sciences, St. Petersburg.

Mr. C. HART MERRIAM.

Reply of Dr. Henry H. Giglioli, Director of the Zoölogical Museum, Royal Superior Institute, Florence, Italy.

FIRENZE, 19 VIA ROMANA, *li 2d May, 1892.*

DEAR SIR: Years ago, in November, 1867, I had the good fortune to be able to visit an extensive "rookery" of one of the South Pacific Eared Seals, the well-known *Otaria jubata;* it was during my voyage round the world on the "*Magenta.*" The rookery in question lies just behind Cape Stokes in the Gulf of Peñas, on the southern coast of Chile, and is the one seen by Darwin during his memorable voyage in the "*Beagle.*" I shall never forget that day, when my astonished gaze rested on hundreds of these Eared Seals lying about in every attitude of repose on the beach and rocks of the shore, or gracefully, and without showing the slightest fear, performing the most acrobatic evolutions in the water round our boat. That day I had my first experience of these singular creatures, and from that day dates the special interest I have ever since taken in the study of the life-history of the Otariidæ, which is one of the most marvelous in zoölogy.

In the spring of 1880, whilst Commissioner for Italy at the grand "Fischerei-Ausstellung" held at Berlin, I first had occasion to admire, in the United States exhibit, the beautiful and spirited drawings of

Henry W. Elliott; I have since then taken a keen interest in the wonderful life-history of the North Pacific Fur Seal (*Callorhinus ursinus*), as best exemplified on the Pribilov Islands. Later on I have carefully read and commented on the various accounts which have appeared in print on the subject; thus, in J. A. Allen's "North American Pinnipeds," Washington, 1880 (p. 312 and sequel); but more especially the detailed and graphic descriptions which have been published by Henry W. Elliott in his masterly monograph "The Seal Islands of Alaska," in that grand work by G. Brown Goode and associates, "The Fisheries and Fishery Industries of the United States" (vol. I, p. 75 and sequel), Washington, 1884, and again in his most interesting volume, "An Arctic Province, Alaska and the Seal Islands," London, 1886.

After these precedents you can easily imagine how great an interest I take in that "vexata quæstio," the Fur-Seal Fishery in the Bering Sea, with what pleasure I received through the United States Government and Mr. Long, the United States consul in this city, your communication, and how glad I am of the opportunity thus afforded me of giving my unbiased opinion in the case and aiding you in your noble effort to preserve from utter destruction one of the most interesting of living creatures and to save at the same time a most valuable source of human industry and profit.

I have read with great attention your condensed but very complete statement of the salient points regarding the life-history of the North Pacific Fur Seal (*Callorhinus ursinus*); I have carefully considered the results of your investigation upon the condition of the Fur Seal Rookeries on the Pribilof Islands, your conclusions regarding the causes of their decrease, and the measures you suggest as necessary for the restoration and permanent preservation of the seal herd. And I am happy to state that I entirely agree with you on all points.

The first and most important point for consideration is evidently the cause of the unquestionable decrease ascertained in the Fur-Seal Rookeries on the Pribilof Islands during the past few years. The stringently-enforced rules which strictly limit the killing for commercial purposes to non-breeding males or "holluschickies," carefully selected, which selection can only be made on land, entirely preclude to my mind the suggestion that the lamented decrease may be attributed in any degree to the killing of too large a number of such non-breeding males. Such a decrease might have been in some slight measure attributed to the former custom of killing each year a certain number of male pups to furnish food for the natives, but that practice has been wisely prohibited. Therefore, I feel positive that the notable decrease in the number of Fur Seals resorting to the rookeries on the Pribilof Islands is not in any way to be attributed to the killing which takes place for commercial purposes on those islands. Here I may remark incidentally that it might be of interest, as bearing on the question in a parallel way, to ascertain whether any similar decrease has taken place in the fur-seal rookeries on the Kurile Islands on Robben Reef (Sagalien), and more especially on the Commander Islands, as being in the Bering Sea.

Having conclusively shown that the lamented decrease in the herd of Fur Seals resorting to the Pribilof Islands can in no way be accounted for by the selective killing of non-breeding males for commercial purposes, which takes place on those islands under special rules and active surveillance, we must look elsewhere for its cause, and I can see it nowhere but in the *indiscriminate slaughter*, principally practiced on breeding or pregnant females, as most clearly shown in your condensed Report, by pelagic sealers.

In any case, all who are competent in the matter will admit that no method of capture could be more uselessly destructive in the case of Pinnipedia than that called "pelagic sealing;" not only any kind of selection of the victims is impossible, but it is admitting much to assert that out of *three* destroyed *one* is secured and utilized, and this for obvious and well-known reasons. In the case of the North Pacific Fur Seal, this mode of capture and destruction is doubly to be condemned, because the destruction falls nearly exclusively on those, the nursing or pregnant females, which ought on no account to be killed. It is greatly to be deplored that any civilized nation possessing fishery laws and regulations should allow such indiscriminate waste and destruction. The statistical data you give are painfully eloquent, and when we come to the conclusion that the 62,500 skins secured by pelagic sealing in 1891 represent at a minimum one-sixth of the Fur Seals destroyed, viz, 375,000—that is, calculating one in three secured and each of the three suckling a pup or big with young—we most undoubtedly need not look elsewhere to account for the rapid decrease in the rookeries on the Pribilof Islands; and I quite agree with you in retaining that unless the malpractice of pelagic sealing be prevented or greatly checked, both in the North Pacific and in the Bering Sea, the economic extermination of *Callorhinus ursinus* is merely the matter of a few years.

International legislation ought to intervene, and without delay, in this case, and suggest the means of possibly preventing or, at least, considerably limiting the pelagic capture and killing of the Northern fur seal—a destructive and ultimately fatal industry, which forcibly recalls the well-known fable of the peasant who killed the hen which laid the golden eggs. The industry derived from the rational killing of Fur Seals, as practiced on the Pribilof Islands, has an economic value which extends far beyond the limits, though a vast, of the United States; and it must be remembered that the commercial extermination of the Fur Seal must also put an end to those industries which are connected with the preparation of the much-valued Sealskin fur.

It is both as a Naturalist and as an old Commissioner of Fisheries that I beg to say once more that I most entirely and most emphatically agree with you in the conclusions and recommendations you come to in your report on the present condition of the Fur-Seal industry in the Bering Sea, with special reference to the causes of decrease and the measures necessary for the restoration and permanent preservation of that industry, which conclusions and recommendations are fully supported and justified by the facts in the case.

With much regard, believe me, dear sir, very truly yours,

HENRY H. GIGLIOLI.

Dr. C. HART MERRIAM, etc.,
Washington, D. C.

Reply of Dr. Rafhael Blanchard, Professor Agregé à la Faculté de médecine de Paris, et Secrétaire Général de la Société Zoologique de France.

PARIS, *le 3 mai 1892.*

A Monsieur le Dr. C. HART MERRIAM,
Bureau of Animal Industry,
Department of Agriculture, à Washington, D. C.:

MONSIEUR ET HONORÉ COLLÈGUE: J'ai lu avec le plus vif intérêt le savant mémoire que vous m'avez fait l'honneur de m'adresser, con-

cernant l'histoire biologique du Phoque à fourrure (*Callorhinus ursinus*). Les observations très précises que vous avez faites aux îles Pribilof et les renseignements non moins exacts, appuyés sur des statistiques officielles, que vous donnez au sujet de la pêche des femelles en haute mer, au moment où elles remontent vers les îles Pribilof pour y mettre bas, vous ont suggéré des conclusions auxquelles je m'associe entièrement.

J'irai même plus loin que vous, car je crois urgent, non seulement de prohiber d'une façon rigoureuse la pêche en haute mer des *Callorhinus* migrateurs, mais aussi de réglementer et de limiter sévèrement la chasse à terre des mâles encore trop jeunes pour se constituer un harem.

D'après vos propres observations, le mâle ne s'accouple pas avant l'âge de six ou sept ans et la femelle ne met pas qu'un petit à la fois. On peut donc dire que l'espèce croît lentement et se multiplie avec difficulté: ce sont là des conditions défavorables, qui ne lui permettent point de réparer les hécatombes qui la déciment depuis quelques années.

En raison des massacres dont elle est la victime, cette espèce marche donc à grands pas vers sa destruction totale et définitive, suivant la voie fatale où l'ont précédée la *Rhytina Stelleri*, le *Monachus tropicalis* et le *Macrorhinus angustirostris*, pour ne citer que de grands mammifères qui, naguère encore, abondaient au sein des mers américaines. Or, la destruction irrémédiable d'une espèce animale éminemment utile, comme l'est celle-ci, est à proprement parler un crime dont nous nous rendons coupables envers nos descendants: pour satisfaire nos instincts de cupidité, nous tarissons volontairement, et à jamais, une source de richesses qui, réglementée, devrait au contraire contribuer au bien-être de notre génération et de celles qui lui succéderont.

Quand on vit sur son capital, on peut sans doute mener la vie à grandes guides. Mais combien de temps ces folles prodigalités durent-elles? et quel est leur lendemain? la misère inextricable. Au contraire, en faisant fructifier convenablement son capital, on en retire d'une façon ininterrompue de beaux intérêts, qui ne donnent peut-être pas l'aisance rêvée, mais assurent du moins une vie honorable, dont le sage sait s'accommoder; par des spéculations prudentes ou par une économie bien entendue, il peut même augmenter progressivement son patrimoine et léguer à ses enfants une fortune plus grande que celle qu'il avait lui-même reçue de ses parents. Il en est évidemment de même dans la question qui nous préoccupe et c'est pour notre génération un devoir impérieux d'empêcher la destruction du Phoque à fourrure, d'en réglementer sévèrement la chasse, de perpétuer en un mot cette source de richesses et de la léguer à nos descendants.

A ces considérations d'ordre économique, j'en ajouterai une autre, d'ordre purement sentimental. Ce n'est pas sans une profonde tristesse que le naturaliste voit disparaître une foule d'espèces animales, dont ce siècle aura consommé la destruction. Quand nos mers ne seront plus habitées par les Cétacés et les grands Pinnipèdes, quand les airs ne seront plus sillonnés en tous sens par les petits oiseaux insectivores, qui sait si l'équilibre de la nature ne sera pas rompu, équilibre auquel ont concouru puissament les êtres en voie d'extinction? Avec ses harpons, ses armes à feu et ses engins de toute sorte, l'homme, chez lequel l'instinct de destruction atteint au plus haut point, est le plus cruel ennemi de la nature et de l'homme lui-même.

Heureusement, les savants jettent encore à temps le cri d'alarme. Dans ce siècle, où l'on croit à la science, il faut espérer que leur voix ne

se perdra pas dans le désert. En particulier, j'ai la conviction que les mesures très sages que vous proposez, en vue de préserver d'une destruction imminente le *Callorhinus ursinus*, seront soumises á une commission internationale, qui les ratifiera et leur donnera force de loi.

Veuillez agréer, Monsieur et honoré collègue, l'expression des mes sentiments les plus distingués.

Dr. RAPHAËL BLANCHARD,
Professeur agrégé à la Faculté de Médecine de Paris,
Secrétaire général de la Société Zoologique de France.

[Translation.]

PARIS, *May 3, 1892.*

Dr. C. HART MERRIAM,
Bureau of Animal Industry,
Department of Agriculture, Washington, D. C.:

SIR AND HONORED COLLEAGUE: I have read with the deepest interest the learned memoir which you have done me the honor to send me concerning the biological history of the fur seal (*Callorhinus Ursinus*).

The very precise observations which you made at the Pribilof Islands, and the no less exact information, based on official statistics, which you give on the subject of the capture of the females on the high sea at the moment when they are returning to the Pribilof Islands to give birth to their young, have suggested to you conclusions with which I fully agree.

I will go even further than you, for I think it urgent not only to rigidly prohibit the taking of the migratory Callorhinus in the open sea, but also to regulate and limit severely the hunting on land of males still too young to have a harem.

According to your own observations the male does not pair off before the age of 6 or 7 years and the female gives birth to only one pup at a time. It can be said, then, that the species increases slowly and multiplies with difficulty. These are unfavorable conditions, which do not allow it to repair the hecatombs which for several years past have been and are decimating the species.

By reason of the massacres of which it is the victim, this species is advancing rapidly toward its total and final destruction, following the fatal road on which the *Rhytina Stelleri*, the *Monachus tropicalis*, and the *Macrorhinus angustirostris* have preceded it, to cite only the great mammifers which but recently abounded in the American seas.

Now, the irremediable destruction of an eminently useful animal species, such as this one, is, to speak plainly, a crime of which we are rendering ourselves guilty towards our descendants. To satisfy our instincts of cupidity we voluntarily exhaust, and that forever, a source of wealth, which, properly regulated, ought, on the contrary, to contribute to the prosperity of our own generation and of those which will succeed it.

When we live on our capital we can undoubtedly lead a gay and extravagant life; but how long does this foolish extravagance last? And what is its to-morrow? Inextricable poverty. On the other hand, in causing our capital to be properly productive, we draw from it constantly a splendid income, which does not, perhaps, give the large means dreamed of, but at least assures an honorable competency, to which the wise man knows how to accommodate himself. By prudent ventures or by a well-regulated economy he can even increase progressively his inheritance and leave to his children a greater fortune than he had

himself received from his parents. It is evidently the same with the question which occupies us, and it is for our generation an imperious duty to prevent the destruction of the fur-seal, to regulate strictly its capture—in a word, to perpetuate this source of wealth and to bequeath it to our descendants.

To these considerations of an economic character I will add another of a nature purely sentimental. It is not without profound sadness that the naturalist sees a large number of animal species disappear, the destruction of which this century will have seen accomplished. When our seas are no longer inhabited by the Cetacea and the great Pinnipeds, when the air is no longer furrowed in all directions by little insectivorous birds, who knows if the equilibrium of nature will not be broken, an equilibrium to which the creatures on the way to extinction have greatly contributed?

With his harpoons, his firearms, and his machines of every kind, man, with whom the instinct of destruction attains its highest point, is the most cruel enemy of nature and of mankind itself.

Happily, while yet in time, the savants sound the alarm. In this century, when we believe in science, we must hope that their voice will not be lost in the desert.

Above all I have the conviction that the very wise measures which you propose with the view of preserving the *Callorhinus ursinus* from an impending destruction will be submitted to an international commission which will ratify them and give them the force of law.

Will you accept, sir and honored colleague, the expression of my most distinguished sentiments.

DR. RAPHAEL BLANCHARD,
Professor and Fellow of the Medical Faculty of Paris,
and General Secretary of the Zoölogical Society of France.

Reply of Prof. Doctor Wilhelm Lilljeborg, of Upsala, Sweden, and Prof. Baron Adolf E. Nordenskjold, of the Academy of Sciences, Stockholm, Sweden.

STOCKHOLM, *14th May, 1892.*

Dr. C. HART MERRIAM,
Washington, D. C.:

DEAR SIR: In answer to your letter of 2d April, asking our opinion as to the causes of the decrease of the stock of Northern Fur Seals (*Callorhinus Ursinus*) on the rookeries of the islands in the North Pacific or Bering Sea, and concerning the means proposed by you to arrest this decrease, we allow us to state the following—

Your description of the life of the Northern Fur Seal corresponds generally with similar descriptions by former authors, from the celebrated Dr. Steller, who (1741–'42) visited the Commander Islands with Vitus Bering, to our days, and also with our own personal experiences of the animal life in the arctic seas, and with the informations one of us gathered from the inhabitants during a short stay in the Bering Sea.

We do not, therefore, hesitate to declare that the facts about the life and habits of the Fur Seal, stated by you in your said letter under 1–20, should serve as a base for the regulations necessary to preserve this gregarious animal from its threatened extinction in a comparatively short time.

These regulations may be divided into two cathegories, viz.—1mo.—Regulations for the killing, etc., of the Fur Seals on the rookeries in

order to prevent the gradual diminuation of the stock; 2do—Regulations for the Pelagic Sealing or for the hunting of the Seals swimming in the ocean in large herds to and from the rookeries, or around the rookeries during the time when the females are suckling the pups on land.

As to the former question, the killing of the Seals on the rookeries, it seams at present regulated in a suitable manner to effectually prevent the gradual diminuation of the stock. If a wider experience should require some modifications in these regulations, there is no danger but that such modifications will be adopted. It is evidently in the interest of the owners of the rookeries to take care that this source of wealth should not be lessened by excessive exploitation. Nor will there be any difficulty for studying the conditions for health and thriving of the animals during the rookerie season.

As to the Pelagic Sealing, it is evident that a systematic hunting of the Seals in the open sea on the way to and from or around the rookeries, will very soon cause the complete extinction of this valuable, and from scientific point of view, so extremely interesting and important animal, especially as a great number of the animals killed in this manner are pregnant "cows," or "cows" temporally separated from their pups while seeking food in the vicinity of the rookery. Every one having some experience in Seal-hunting can also attest that only a relatively small part of the Seals killed or seriously wounded in the open sea can in this manner be caught. We are therefore persuaded that a prohibition of Pelagic Sealing is a necessary condition for the prevention of the total extermination of the Fur Seal.

Very truly, yours,

W. LILLJEBORG.
A. E. NORDENSKIÖLD.

Reply of Dr. A. Th. von Middendorf, of Dorpat, Hellenorm, Livland, Russia.

HELLENORM, *d.* $\frac{6}{18}$ *Mai 1892.*

Herrn W. WURTS,
Chargé d'Affaires:

HOCHGESCHÄTZTER HERR! Die Verspätung dieser Antwort bitte gefälligst meiner Krankheit zuzuschreiben.

Es freut mich ausserordentlich, dass die Vereinigten Staaten eine so bewährte Persönlichkeit wie Dr. Merriam zum Ermittler der Ursachen gewählt haben, welche die reissende Abnahme der Seebären bedingen. Jetzt liegt der Thatbestand wissenschaftlich aufgehellt klar vor, sogar jedem Laien verständlich. Die von der Russisch-Amerikanischen Compagnie eingeführte Behandlungsweise dieser Thiere in ihrem Daheim auf den Pribylow-Inseln wird eben so rationell weiter fortgeführt und hat sich über ein halbes Jahrhundert hindurch bewährt, sowohl durch bedeutende Einnahmen als auch durch deren Nachhaltigkeit. So lange nur überschüssige Jungbullen* geschlachtet werden, ist nicht nur der Bestand, sondern auch der Zuwachs der Heerde gesichert.

Leider sind die Seebären Wanderthiere und namentlich begeben sich die trächtigen Weibchen während der Wintermonate auf Reisen: dort nun werden sie mit riesig wachsender Raubgier aufgesucht und im offenen Weltmeere von Freibeutern aus aller Welt geschlagen. Selbst

* Dr. Merriam benennt dieselben "cholluschikie;" ich glaube, dass diese auffallende Bezeichnung durch unfreiwillige Verstümmelung des russischen Wortes: "cholostjaki" (холостяки), d. i. "Junggesellen" oder "Unbeweibte" entstanden ist.

verständlich wird nur durch international festzustellenden Schutz Abhilfe geschafft werden können.

Wie rasch die Vernichtung einbricht, haben uns die Millionen dahingeschwundener Bison bewiesen. Mit Letzteren hat es aber insofern eine ganz andre Bewandniss, als die Vernichtung keineswegs volkswirthschaftliche Bedeutung hat, sondern nur eine ethische, nur von diesem Standpunkte verlangt die Civilisation der Jetztzeit die Erhaltung einer Musterheerde von wenigen hundert Köpfen sowohl in Litthauen als in Nord-Amerika. Seit die Zähmungs-und Hybridisationsversuche mit Bisonthieren resultatlos geblieben, ist es klar, dass die Weidegründe der Bison vortheilhafter durch die frühreifen und milchgebenden Rinderheerden ausgenützt werden können.

Ganz anders verhält es sich mit den Seebären: sie sind unbedingt von volkswirthschaftlichem Interesse und zwar ohne Zuthun des Menschen zu Hausthieren erschaffen, wie ich das schon vor langen Jahren betont habe. (Vergl. meine "Sibirische Reise," Band IV, Theil 1, Pag. 846.) Sie sind sogar das nützlichste Hausthier, das gar keine Fürsorge, keine Ausgaben verlangt und dadurch die höchsten Reingewinne erzielen lässt. Lassen wir in Gedanken den Seebären verschwinden, was könnte dann denselben ersetzen um unfassbare Fischvorräthe des Ozeans in gesuchte Waare des Weltmarktes umzuarbeiten?

Als warnende Gedenktafel steht jetzt die seit anderthalb Jahrhunderten verödete Beringsinsel da. Hat seitem der mächtige Fortschritt der Neuzeit in irgend einer Weise die Seekuh (*Rhytina Stelleri*) zu ersetzen vermocht, diesen Koloss, welcher als mariner Pflanzen-Fresser dazu bestimmt war, unbrauchbare Tange in schmackhafte Fleischkost umzuwandeln?

Wenn Sie, Ihrer Andeutung gemäss, Herrn Dr. Merriam, dessen Adresse ich nicht kenne, den Inhalt dieses Briefes mittheilen wollten, so würden Sie mich sehr verbinden.

Ich habe die Ehre zu sein, hochgeehrter Herr, Ihr ganz ergebener,

Dr. A. v. MIDDENDORFF.

(Dictat wegen Lähmung.)—E. v. MIDDENDORFF.

[Translation.]

HELLENORM, *May* $\frac{6}{18}$, *1892.*

Mr. W. WURTS,
Chargé d'Affaires:

SIR. My delay in answering your letter is due to illness.

I am very glad that the United States have selected so competent a person as Dr. Merriam for the purpose of ascertaining the causes of the rapid decrease of seals. The facts of the case have now been scientifically explained, so that they may be readily understood even by an unscientific person. The method of treating these animals which was originally adopted by the Russian-American Company at their home on the Pribilof Islands is still continued in the same rational manner, and has, for more than half a century, been found to be excellent, both on account of the large number of seals taken, and because they are not exterminated. So long as superfluous young males* only are killed, not only the existence, but even the increase of the herd is assured.

Seals are, unfortunately, migratory animals, and set out on their journeys during the winter months. This is especially true of the pregnant

* Dr. Merriam calls these "cholluschickie." I presume this remarkable designation is the outgrowth of an involuntary mutilation of the Russian word "cholostjaki" (see German original), *i. e.*, bachelors, or those having no wives or mates.

females. They are then hunted with constantly increasing rapacity, and are killed in the open sea by freebooters from all parts of the world. It is evident that the only remedy for such a state of things can be afforded by international protection.

How rapidly extermination progresses is shown by the disappearance of millions of bisons. With these, however, the case is quite different, since their destruction is of no importance in an economical point of view. Its importance is merely of an esthetical character, and from this standpoint only does modern civilization demand the preservation of two specimen herds, numbering a few hundred head each—one in Lithuania and the other in North America. Since the attempts to domesticate the bison, and to produce a cross between it and our domestic cattle have proved a failure, it is plain that the ground where the bison formerly grazed can be more advantageously occupied by herds of domestic cattle, since these animals mature earlier and yield milk abundantly.

The case is quite otherwise with the seal. This animal is of economical importance, and was created for a domestic animal, as I pointed out many years ago. (See my "Siberian Journey," Vol. IV, Part 1, p. 846.) It is, in fact, the most useful of all domestic animals, since it requires no care and no expense, and consequently yields the largest net profit. If we suppose the seal to have disappeared, what could take its place as a converter of the immense supply of fish in the ocean into choice furs to stock the markets of the world?

Bering's Island, which has been deserted for a hundred and fifty years, now stands as a warning. Has modern progress succeeded, in any way, in supplying the place of the sea cow (*Rhytina Stelleri*), that huge monster which, as a consumer of marine plants, was intended to convert useless sea-weed into savory meat?

If you will communicate (as you say you propose to do) the contents of this letter to Dr. Merriam, whose address I do not know, you will oblige me greatly.

I have the honor to be, sir, your most obedient servant,

Dr. A. v. MIDDENDORFF.

(Dictated, owing to lameness.)—E. v. MIDDENDORFF.

Reply of Dr. Emil Holub, of Prague, Austria-Hungary.

[Unter dem Protectorate Sr. Kais. u. Konigl. Hoheit des Erzherzogs Franz Ferdinand von Osterreich-Este. Dr. Emil Holub's Südafrikanische Ausstellung in Prag, 1892. (Darstellung der Forschungsresultate seiner Letzten Afrikareise, 1883–1887.)]

PRAGUE, *May 18, 1892.*

Dr. C. H. MERRIAM, Esq.,
Washington, D. C.:

DEAR SIR: With sincere attention I have perused the records of your investigation of the habits, the present decrease, and regarding the future of the Fur Seal (*Callorhinus Ursinus* Gray). Having well considered the matter, I will pass my opinion without any prejudice whatever.

The Government of the United States may be congratulated upon the action taken, in having sent out for the investigation of a matter which falls into the Departement of the Board of Trade a Scientist, and in this special case a man who has taken such great pains with the object of his researches.

Our age makes it to a duty for all civilized nations to bring trade and

commerce in a close contact with science. This becomes quite a necessity, like in the present case, in which commercial customs, even international agreements, laws, etc., become insufficient to secure a sound decision. Such scientific investigations can supply the desired conclusions: they do advice the measures to be taken, and provide the basis upon which an international understanding can be established.

Regarding the object of your researches I indorse your opinion, that the decrease of the numbers of the fur seal on the Pribilof Islands has been caused by pelagic sealing in the North Pacific and in the Bering Sea, and that this taking of the seals at sea has to be stopped as early as possible.

To restore *in time* the numbers of animals of former years, I take the liberty to name the following measures for the sake of consideration:

A. Concerning certain agreements with other powers.

1. A mutual understanding upon the question between the United States, Russia, and Japan. These three states are concerned *primo loco* in this matter as being the proprietors of the breeding places as well, like also of the fishing grounds of the said animals during their yearly wanderings to and fro.

2. For the sake of brevity in action and a speedy settlement, these three States (after having agreed upon p. 1) to select but one Representative.

3. The United States having given impulse to the matter to gain the prestige, that an United St. man shall be elected to this honour.

4. A Congress to be called together, invitations to be sent to those of the European and American powers, whos subjects indulge in pelagic sealing in the North Pacific and the Bering Sea.

5. In the Congress the Representative of the three powers (sub. p. 1) to have six voices, resulting in two voices for every of these powers, which concession to be granted upon the facts of p. 1.

6. The Congress to deal with the stoppage of pelagic sealing of the fur-seal, and possibly to come to an understanding upon it and to enforce it.

B. Concerning certain laws and precautions in the dominions of the United States.

7. To prohibit taking seals at sea by home-vessels and by small boats along the coast during the wanderings of the animals. I think that a great many of fur-seals are killed on their way to the South and their return to their breeding places in the north before ever they do reach the neighbourhood of the latter. The fact that these wandering animals are chiefly pregnant females, which as game, are protected by laws among all civilized nations, may grant them safety also along the coasts of Br. Columbia.

8. To see that the existing laws at present in use on both St. Paul and St. Georg islands regarding the protection of male pups are strictly observed.

9. To investigate the nutritious necessities of the fur seal. I believe that the animals feed, besides on fisch and crustaceans, also on different forms of mollusca, especially on mussels, and also on certain seaweeds.

10. In ascertaining (p. 9) to try to increase the quantity of food in the sea of the Pribilof Islands, especially for that reason, that females, when nursing, may be not compelled to stray as far as 100 to 150 miles from shore, deserting their pups for so long and being also exposed to the weapons of the pelagic sealers.

11. In ascertaining (p. 9) to pay a special attention to mussels belonging to the families of the *Mytilidæ* and *Aviculidæ* (to the genera of *Mytilus*, *Modiola*, *Lithodomus*, *Pinna* et others), who have thin shells, or

to other species of the North Pacific, which would promise a good prolification; further, also, to certain seaweeds, for submarine plantation, the species to which I allude containing a great deal of eatable gelatinous matter.

12. These measures, besides to be taken from œconomical reasons on behalf of home commerce and home trade, to be recommended also from a scientific point of view, as an act of preservation of a sea-mammal and from the common laws of humanity, that species of large and wild living mammal may be guarded against utter anihilation.

Mankind never to forget that, being the master among the living creatures on earth, it has the power of re-creation.

If the pelagic sealing of the fur-seal is carried on still longer, like it has been executed during the last years, the pelagic sealing as a business matter and a "living" will soon cease by the full extermination of the useful, animal.

The objections brought forward by the friends of the pelagic sealing against its stoppage, that the latter will ruin a great many families of seamen and fishers can not be taken as sound arguments. It is a well known and a common thing in our age, but a weekly occurrence during the last years, that a new trade springing up ruins two other trades, and hardly in one case out of hundreds can a compensation be given or is asked for.

In concluding my note, I thank you, my dear sir, as my esteemed fellow-worker in another transatlantic sphere, for the excellent work which you have executed during your weary investigations in the Bering Sea. May this noble and important work be crowned with the deserved success, that that piratic hunt may be stopped forever. The opportunity of the Col. Exhibition in Chicago might be used to call the Congress to Washington and then to give to the delegates the treat of a visit to the monstrous Exhibition.

I should feel very happy if one day to come I can make your personal acquaintance and can shake hands with you, my dear sir.

With my humble respects, I remain, your most obedient,

Dr. Emil Holub.

REPLY OF DR. CARLOS BERG, OF BUENOS AIRES.

Museo Nacional de Buenos Aires,
Buenos Aires, 1 June, 1892.

Sir: In answer to your circular dated April 2, a. c., and directed to Dr. Hermann Burmeister, I regret to let you know that same died shortly before the transmission of your circular by D. N. Bertolette, esqr.

Having been named director of the National Museum in place of the deceased, I have read with great interest your report and conclusions about the causes of the decrease and the measures necessary for the restoration and permanent preservation of the seal herd on the Pribilof Islands in Bering Sea, and according to your wish I have the pleasure to let you know that from the standpoint of a naturalist I perfectly agree with you in considering your conclusions and recommendations justified and necessitated by the facts stated by you as a result of your special investigation on the above named islands.

Very truly yours,

Carlos Berg.

Mr. C. Hart Merriam.

FOREIGN STATUTES.

FALKLAND ISLANDS.

ORDINANCE OF THE FALKLAND ISLANDS.

[By his excellency Thomas Kerr, governor.]

No. 4, 1881.

AN ORDINANCE to provide for the Establishment of a Close Time in the Seal Fishery of the Falkland Islands and their Dependencies, and the Seas adjacent thereto.

Whereas the seal fishery of these islands, which was at one time a source of profit and advantage to the colonists, has been exhausted by indiscriminate and wasteful fishing, and it is desirable to revive and protect this industry by the establishment of a close time, during which it shall be unlawful to kill or capture seals within the limits of this colony and its dependencies:

Be it therefore enacted by the governor of the Falkland Islands and their dependencies, with the advice and consent of the legislative council thereof, as follows:

1. No person shall kill or capture, or attempt to kill or capture, any seal within the limits of this colony and its dependencies, between the days hereinafter mentioned (which interval is hereinafter referred to as the close season); that is to say, between the first day of October and the first day of April following, both inclusive; and any person acting in contravention of this section shall forfeit any seals killed or captured by him and shall in addition thereto incur a penalty not exceeding one hundred pounds, and a further penalty of five pounds in respect of every seal so killed or captured.

Close time for seal fishery, and penalties for breach.

2. Any owner or master or other person in charge of any ship or vessel who shall permit such ship or vessel to be employed in killing or capturing seals, or who shall permit any person belonging to such ship or vessel to be employed in killing or capturing as aforesaid, during the close season, shall forfeit any seals so killed or captured and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Liability of owner and master of ship.

3. Every offence under this ordinance may be prosecuted and every penalty under this ordinance may be recovered before the police magistrate or any two justices of the peace in a summary manner, or by action in the supreme court of this colony, together with full costs of suit: *Provided*, That the penalty imposed by the police magistrate or two justices shall not exceed one hundred pounds, exclusive of costs.

Prosecution of offences.

One-half of every penalty recovered under this ordinance shall be paid to the person who prosecuted the offence or sued for such penalty.

All fines, forfeitures, and penalties recovered under this ordinance, where not otherwise hereinbefore provided, shall be to Her Majesty, her heirs, and successors, and shall be paid to the treasurer for the use of the government of this colony.

For all purposes of and incidental to the trial and punishment of any person accused of any offence under this ordinance and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any court or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Liability of ship to penalty.

4. Where the owner or master of a ship or vessel is adjudged to pay a penalty for an offence under this ordinance the court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship or vessel and her tackle.

Definition of "seal."

5. In this ordinance the expression "seal" means the "fur seal," the "sea otter," the "hair seal," the "sea elephant," the "sea leopard," and the "sea dog," and includes any animal of the seal kind which may be found within the limits of this colony and its dependencies.

Short title.

6. This ordinance may be cited as the seal fishery ordinance, 1881.

T. KERR,
Governor.

Passed by the legislative council this twenty-seventh day of December, one thousand eight hundred and eighty-one.

JOHN WRIGHT COLLINS,
Clerk to the Council.

NEW ZEALAND.

[26 and 27 Vict., cap. 23. 8th June, 1863.]

AN ACT of the Parliament of Great Britain to alter the Boundaries of New Zealand.

Whereas by the Eightieth Section of an Act of the Fifteenth Year of Her Majesty, Chapter Seventy-two, entitled "An act to grant a Representative Constitution to the Colony of New Zealand," it was provided that for the Purposes of that Act the said Colony should be held to include the Territories therein mentioned; and whereas it is expedient to alter the Limits of the said Colony as declared by the said Act:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. So much of the Eightieth Section of the aforesaid Act of Parliament as declares the Limits of the Colony of New Zealand for the Purposes of the said Act is repealed.

2. The Colony of New Zealand shall for the Purposes of the said Act and for all other Purposes whatever be deemed to comprise all Terri-


Middleton Rf.
Elizabeth Rf.
Lord Howe I.
Norfolk I.
Kermadec Islands
NEW ZEALAND
North Cape
East Cape
Cape Palliser
Chatham Is
West Cape
Bounty I.
700 Nautical miles
Antipodes Is.
Auckland Is
Judge and Clerk.
Macquarie I.
Bishop and Clerk.
NEW ZEALAND
Boundaries of the Colony of New Zealand designated in the British Statute 26 and 27 vic. c. 23 § 2
Prepared at the Office of the U. S. Coast and Geodetic Survey
T. C. Mendenhall
Superintendent


340'
33'
335'
340'
55'
340'
33'
335'
170'
170'

tories, Islands, and Countries lying between the One hundred and sixty-second Degree of East Longitude and the One hundred and seventy-third Degree of West Longitude, and between the Thirty-third and Fifty-third Parallels of South Latitude.

NEW ZEALAND ACT, 1878.

[42 Vict., No 43. 2nd November, 1878.]

AN ACT for the Protection and Preservation of Seals.

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by authority of the same, as follows:

1. The Short Title of This Act shall be "The Seals Fisheries Protection Act, 1878." Short title.

2. Section two of "The Protection of Animals Act Amendment Act, 1875," is hereby repealed. Repeal.

3. No person shall hunt, catch, or attempt to catch or kill seals between the days hereinafter mentioned (which interval is herein referred to as "the close season"), that is to say, between the first day of October and the first day of June following, both inclusive; and any person acting in contravention of this section shall forfeit any seal caught by him, and shall in addition thereto incur a penalty not exceeding fifty pounds, and a further penalty not exceeding ten pounds in respect of each seal so caught. Close season for seals.

4. The Governor may, by Order in Council, from time to time extend or vary the time during which it is prohibited to hunt, catch, or kill seals, and may from time to time vary the close season so extended, and may prescribe that any such order shall take effect in the whole colony or only in particular parts thereof, to be defined in such order. Close season may be varied.

5. If he shall think it necessary for the preservation of seals to do so, the Governor may, in a similar manner, extend the time during which it is prohibited to hunt, catch, or kill seals over any term not exceeding three years, and may at any time before the expiration of any such term further extend the same. Fishery may be closed.

6. Any penalties imposed by this Act for the purpose of prohibiting the catching or killing of seals during the close season shall apply to such season, however the same may be varied or extended. Penalties to apply to extended seasons.

7. The Governor may, by Order in Council, from time to time exclude any part of the colony from the operation of this Act. Districts may be excluded from Act.

NEW ZEALAND ACT, 1884.

[48 Vict., No. 48. 10th November, 1884.]

AN ACT to Provide for the Conservation of Fisheries.

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. The Short Title of this Act is "The Fisheries Conservation Act, 1884." Short title.

2. The several Acts hereunder mentioned, and all Acts passed in amendment thereof respectively, are hereby incorporated with this Act, That is to say—

Acts incorporated with this Act.

"The Oyster Fisheries Act, 1866;"
"The Fish Protection Act, 1877;"
"The Fisheries (Dynamite) Act, 1878;"
"The Seals Fisheries Protection Act, 1878."

3. Nothing contained in this Act shall apply to—

Persons, etc., exempted from Act.

(1) Any person using a landing-net to secure fish caught with a rod and line, nor to any person using hand shrimp net; nor to

(2) Any person taking fish in water of which he is the owner; nor to

(3) Any person authorized by such owner to take fish in such water; nor to

(4) Any person with the written permission of the Collector or other person duly authorized by the Commissioner of Trade and Customs to grant such permission, taking fish or ova, or oysters or oyster brood, for the *bona fide* purpose of ascertaining and verifying the existence or increase of such fish or oysters, or of removing them to stock other waters; nor to

(5) Any nets, tackle, or boats used, or fish or oysters taken by such person; nor to

(6) Any person who, having unintentionally taken any fish or oysters contrary to the provisions of this Act, shall immediately return the same with as little injury as possible to the water.

4. In this act, if not inconsistent with the context—

Interpretation.

"Collector" means a Collector of Customs or other principal officer of Customs at any port.

"Commissioner" means the Commissioner of Trade and Customs.

"Close season" means the time during which it is declared unlawful to take any species of fish, oysters, or seals; and applies to such season, however the same may be varied or extended.

"Fish" means and includes all fish and mammalia inhabiting the waters of the colony, whether indigenous or not, their young or fry and spawn.

"Oysters" means and includes shore oysters, rock oysters, and mud oysters.

"Prescribed" means prescribed by this Act or by regulations.

"Seals" includes all kind of seals and their young.

"Take" means and includes "kill," or "catch," or "dredge for," or "raise," or "hunt."

"This Act" includes the Acts incorporated herewith and all regulations made thereunder.

"Use" includes "attempt to use" or "assist in the use of."

"Vessel" includes any ship or Vessel of any tonnage, construction, or description.

"Waters" means any salt, fresh, or brackish waters in the colony, or on the coasts or bays thereof; includes artificial waters, but does not include waters the property of any private person.

5. The Governor in Council may, from time to time, make, alter, and revoke regulations which shall have force and effect only in any waters or places specified therein—

Governor may prescribe regulations for the protection of fish, oysters, and seals.

(1) Providing for the more effectual protection and improvement of fish, and the management of any waters in which fishing may be carried on.

(2) In respect of any species of fish, oysters, or seals, respectively—

(*a*) Prescribing a "close season" or "close seasons" in any year, month, week, or day, as may be most suitable for the whole or any part or parts of the colony, during which it shall be unlawful for any person to take any fish, oysters, or seals of such species respectively, or in any way to injure or disturb the same; or

(*b*) Extending or varying any close season so prescribed, or varying any close season so extended; or

(*c*) Extending any such close season over any term not exceeding three years, and, before the expiration of such term, further extending the same.

(3) Prohibiting the buying, selling, exposing for sale, or having in possession any fish, oyster, or seal, or any skins, oil, or blubber from any seal, in any manner in contravention of this Act.

(4) Prescribing the minimum size or weight of any fish, oyster, or seal that may be taken.

(5) Limiting the size, when wet, of the mesh on the square, or in extension from knot to knot of nets and seines to be used in fishing, or altogether prohibiting the use of nets of any sort.

(6) Prescribing that all nets containing fish shall be emptied in the water, and prohibiting the dragging or drawing on to the dry land any such net.

(7) Fixing the time or times during which dredging shall be prohibited, or prohibiting the use of any particular engines, tackle, or apparatus for taking any fish or oysters.

(8) Reserving from public use any natural oyster beds, so as to prevent their destruction.

(9) Setting apart within any harbor any bay or bays frequented by fish for the purpose of propagation, and prohibiting the use of nets of any kind in any such bays during such time as shall seem fit, or setting apart any river or other fresh or salt waters for the natural or artificial propagation of fish, oysters, or seals.

(10) For the protection of young fish, or fry, or spawn, at all times, and especially for the preservation and propagation thereof upon its importation into the colony.

(11) Prohibiting or restricting from time to time, for any period which the Governor thinks necessary, fishing in any waters, river, or stream in which young fish or spawn is placed or deposited, or at the mouth or entrance of any such waters, river, or stream.

(12) Prohibiting the casting of saw dust or any saw-mill refuse into any waters, river, or stream.

The Governor may, by such regulations, impose any penalty not exceeding fifty pounds, to be recovered in a summary manner before any two or more Justices of the Peace, and also appoint the minimum penalty for the breach of any such regulations; and all such regulations shall be gazetted, and thereupon shall be binding and conclusive upon all persons as if the same had been contained in this Act.

Penalty for breach of regulations.

6. Any penalties prescribed by any such regulations as aforesaid for taking, buying, selling, exposing for sale, or having in possession any fish, or oysters, or any seal or seals, during any close season for the same respectively, shall apply to such season however the same may be varied or extended.

Penalties to apply to extended close seasons.

7. All fish, oysters, or seals unlawfully taken, and any skins, oil, or blubber from seals taken as aforesaid, and the baskets or other receptacles thereof, and also all nets, gear, tackle, or other apparatus used in any unlawful fishing or taking of oysters or seals, whether found on shore or in any vessel or boat, shall be forfeited, and shall be disposed of as the Commissioner may think fit.

Fish, etc., and fishing gear to be forfeited.

8. It shall be the duty of the Collectors of Customs within the colony to see that the provisions of this Act and of the several Acts incorporated herewith are duly carried into effect, and for that purpose they severally shall have and may exercise all the powers granted by this Act and the aforesaid Acts in that behalf.

Collectors of Customs to see Act carried into effect.

9. The Commissioner may, from time to time, appoint such assistants to the Collectors and such other officers, servants, and other persons as may appear to him to be necessary for the effective administration of this Act; all of whom shall, as well as the Collectors aforesaid, be deemed to be officers appointed under this Act.

Commissioner may appoint necessary officers.

10. In respect of any species of fish, oysters, or seals, respectively, to be affected thereby, all regulations prescribed under this Act shall, on their coming into operation as to any waters or place, supersede therein all enactments at variance with such regulations in so far as they are so at variance but not further in any way whatsoever.

Repeal of enactments at variance herewith.

11. Nothing in this Act shall allow fish to be taken during close season in any waters except for the purpose of pisciculture.

Fish may only be taken in close season for purpose of pisciculture.

NEW ZEALAND ACT, 1887.

[51 Vict., No. 27. 23rd December, 1887.]

AN ACT to amend "The Fisheries Conservation Act, 1884."

Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

Short Title.

1. The short title of this Act is "The Fisheries Conservation Act 1884 Amendment Act, 1887."

To be read with the Act of 1884.

2. "The Fisheries Conservation Act, 1884," is herein referred to as "the said Act," and this Act shall be read with the said Act.

3. The penalty that may be imposed under the provisions of section five of the said Act shall, in respect of the breach of any regulations respecting seals, be any sum not exceeding five hundred pounds, and a further penalty of not exceeding twenty pounds for every seal illegally taken.

Penalty for breach of regulations.

4. If any person shall be found in the possession of any seal, or the unmanufactured product of any seal, during the close season, such possession shall, for the purposes of said Act and this Act, be deemed to be, in the absence of satisfactory evidence to the contrary, sufficient proof that such seal, or the seal from which such unmanufactured product has been obtained, has been illegally taken during the close season.

Possession of seals, etc., during close season to be proof of having been taken illegally.

5. Any vessel or boat the crew of which, or any part of the crew of which, shall be engaged in illegally taking seals, and any vessel or boat on board of which any seal so illegally taken, or the skin, oil, blubber, or other product of a seal so illegally taken, shall be found, shall, together with the boats, furniture, and appurtenances of such vessel or boat, be forfeited to Her Majesty, and shall be disposed of as the Commissioner may think fit.

Vessels and boats engaged in illegally taking seals to be forfeited.

6. The officer in command of any vessel in Her Majesty's navy, or any officer of Customs, or the master or other person in command of any vessel belonging to Her Majesty in the colony, or which may be in the employ of the Government of the colony, may, either with or without sailors, marines, or police officers, or such other person or persons as he may think fit to employ, enter upon, take, and seize any vessel so liable to be forfeited as aforesaid, if found within the jurisdiction of the Government of the Colony of New Zealand.

Commander of vessel belonging to Her Majesty or Colonial Government and Customs officers may seize vessel or boat liable to be forfeited.

7. Every such officer, master, or person in command as aforesaid, or any officer of Customs shall, with or without sailors, marines, or police officers, or such other person or persons as he may think fit to employ, have power at any time, and from time to time, to enter upon and search any vessel within the jurisdiction of the Government of the Colony of New Zealand for any seal or the product of any seal; and any person refusing to allow such search to be made, or obstructing or impeding any such search, shall be liable, on summary conviction of such offense: For the first offence to be imprisoned and kept to hard labour for any term not less than three nor more than six months, and for the second or any subsequent offense to any term not less than six nor more than twelve months.

Power to search vessels.

Penalty for obstructing search.

CANADA.

[Chapter 95, Revised Statutes of Canada, 1886.]

AN ACT respecting Fisheries and Fishing.

WHALE, SEAL, AND PORPOISE FISHERY.

SECTION 6. Every one who hunts or kills whales, seals, or porpoises by means of rockets, explosive instruments, or shells shall be liable to a penalty not exceeding three hundred dollars, and, in default of payment, to imprisonment for a term not exceeding six months.

SECTION 7. Every one who, with boat or vessel, during the time of fishing for seals, knowingly or wilfully disturbs, impedes, or injures any sedentary seal-fishery, or prevents, hinders, or frightens the shoals of seals coming into such fishery, shall, for each offense, be liable to a penalty not exceeding sixty dollars, and, in default of payment, to imprisonment for a term not exceeding one month; and shall also be liable to pay such damages as are assessed by the fishery officer or justice of the peace before whom the person injured complains.

2. Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets shall be decided summarily by any fishery officer or justice of the peace, by whom arbitrators may be appointed to assess damages; and any damages assessed, or which arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or justice of the peace.

NEWFOUNDLAND.

[42 Vict., cap. 1. February 22, 1879.*]

ACT of the Government of Newfoundland, respecting the Prosecution of the Seal Fishery.

Be it enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:

1. The act passed in the 36th year of the reign of Her present Majesty, entitled "An Act to regulate the Prosecution of the Seal Fishery," is hereby repealed.

2. No steamer shall leave port for the seal fishery before the 10th day of March in any year, under the penalty of 2,000 dollars, to be recovered from the owner or other person on whose account the steamer shall have been sent to the seal fishery.

3. No sailing vessel shall leave port for the seal fishery before the 1st day of March in any year, under the penalty of 400 dollars, to be recovered from the owner or other person on whose account such vessel shall have been sent to such fishery.

4. No seals shall be killed by the crew of any steamer or sailing-vessel before the 12th day of March in any year, under a penalty of 4 dollars for every seal so killed, to be recovered from the owner or other person as aforesaid, or from the master or crew of the said vessel, or from the parties receiving the same, respectively: *Provided*, In case of the owner or other person as aforesaid, that such owner or other person received such seals with notice or knowledge that the same had been killed before the 12th day of March in any year.

5. No immature seals, known as cats, shall be killed by the crew of any steamer or sailing-vessel at any time, under a penalty of 4 dollars for every such seal so killed, to be recovered from the receiver of such seals, or from the master or crew of any such steamer or vessel. And it is hereby declared a young seal pelt of less weight than 28 pounds shall be considered an immature or cat seal: *Provided*, That no party or parties referred to in this section shall be liable to the penalties or

*Amended by act, 46 Vict., cap. 1, March 3, 1883.

fines herein stated unless it be proven that over 5 per cent in number of seals taken on board or landed from such vessel are of less weight, each, than 28 pounds aforesaid. The fines and penalties mentioned in this section to apply to the excess over such 5 per cent.

6. No action shall be brought by any person to recover any penalty provided by this Act after 12 months from the time such penalty shall have been incurred.

7. No officer of Her Majesty's Customs in this Colony shall clear any steamer for a sealing voyage before the 9th day of March, or any sailing-vessel for a sealing voyage before the last day of February: *Provided*, That in the event of either of these days falling on Sunday, such vessels may be cleared on the preceding Saturday.

8. All penalties incurred under the provisions of this Act shall be sued for and recovered in a summary manner before a Stipendiary Magistrate by any person who may sue for the same; one-half of such penalty shall go to the party who shall sue for and prosecute the same, and the remainder to the Receiver-General for the use of public hospitals.

9. If any person shall feel himself aggrieved by any judgment of a stipendiary magistrate under this Act, he shall have liberty to appeal therefrom to the then next sitting of Her Majesty's Supreme Court at St. John's: *Provided*, That notice of the same be given to the magistrate within 24 hours after such judgment shall have been delivered and within five days thereafter recognizances or other security, with or without sureties, at the option of such Magistrate, shall be entered into to prosecute the same without delay, and pay such amount as may be awarded, with costs.

ACT of the Government of Newfoundland, to amend an Act passed in the 42nd year of the reign of Her present Majesty, entitled "An Act respecting the Prosecution of the Seal Fishery."*

[46 Vict., c. 1. March 3, 1883.]

Be it enacted by the Administrator of the Government, Legislative Council and Assembly, in Legislative Session convened, as follows:

1. The 2nd and 3rd sections of the Act passed in the 42nd year of the Reign of Her present Majesty, entitled "An Act respecting the Prosecution of the Seal Fishery," are hereby repealed.

2. No steamer shall leave port for the seal fishery before the hour of 6 o'clock in the forenoon on the 10th day of March in any year, under the penalty of 2,000 dollars, to be recovered from the owner or other person on whose account such steamer shall have been sent to such fishery: *Provided*, That in the event of the said 10th day of March falling on Sunday, any steamer may leave port for such fishery at any time after 6 o'clock in the forenoon of the previous day.

3. No sailing vessel shall leave port for the seal fishery before the hour of 6 o'clock in the forenoon on the 1st day of March in any year, under the penalty of 400 dollars, to be recovered from the owner or other person on whose account such vessel shall have been sent to such fishery: *Provided*, That in the event of the said 1st day of March falling on Sunday, any sailing vessel may leave port for such fishery at any time after 6 o'clock in the forenoon of the previous day.

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* Vol. LXX., p. 556.

Act of the Government of Newfoundland to Regulate the Prosecution of the Seal Fishery.

[55 Vict. April, 1892.]

Be it enacted by the Governor, the Legislative Council, and House of Assembly in Legislative Session convened, as follows:

(1) No steamer shall leave any port of Newfoundland or its Dependencies for the prosecution of the Seal Fishery before the hour of six o'clock in the forenoon of the twelfth day of March in any year under a penalty of five thousand dollars, to be recovered from the master, owners, or other person on whose account such steamer shall have been sent to such fishery; provided, that in the event of the twelfth day of March falling on Sunday, any steamer may leave port for such fishery at any time after four o'clock in the afternoon of the previous day.

(2) No seals shall be killed by any crew of any steamer or by any member thereof before the fourteenth day of March or after the twentieth day of April in any year, nor shall seals so killed be brought into any port of this colony or its dependencies, as aforesaid, in any year under penalty of four thousand dollars, to be recovered from the master, owner, or other person on whose account such steamer shall have been sent to such fishery.

(3) No steamer shall proceed to the seal fishery from any part of this colony or its dependencies on a second or subsequent trip in any year under a penalty of four thousand dollars, to be recovered from the master, owner, or other person on whose account such steamer shall have been sent to such fishery; provided, that if it be shown to the satisfaction of the collector, subcollector, or other customs officer of the port from which such steamer sails that she has been forced by any accident to return to port during the first trip she shall not be deemed to have gone upon a second subsequent trip if she leaves port before the twenty-fifth day of March in any year.

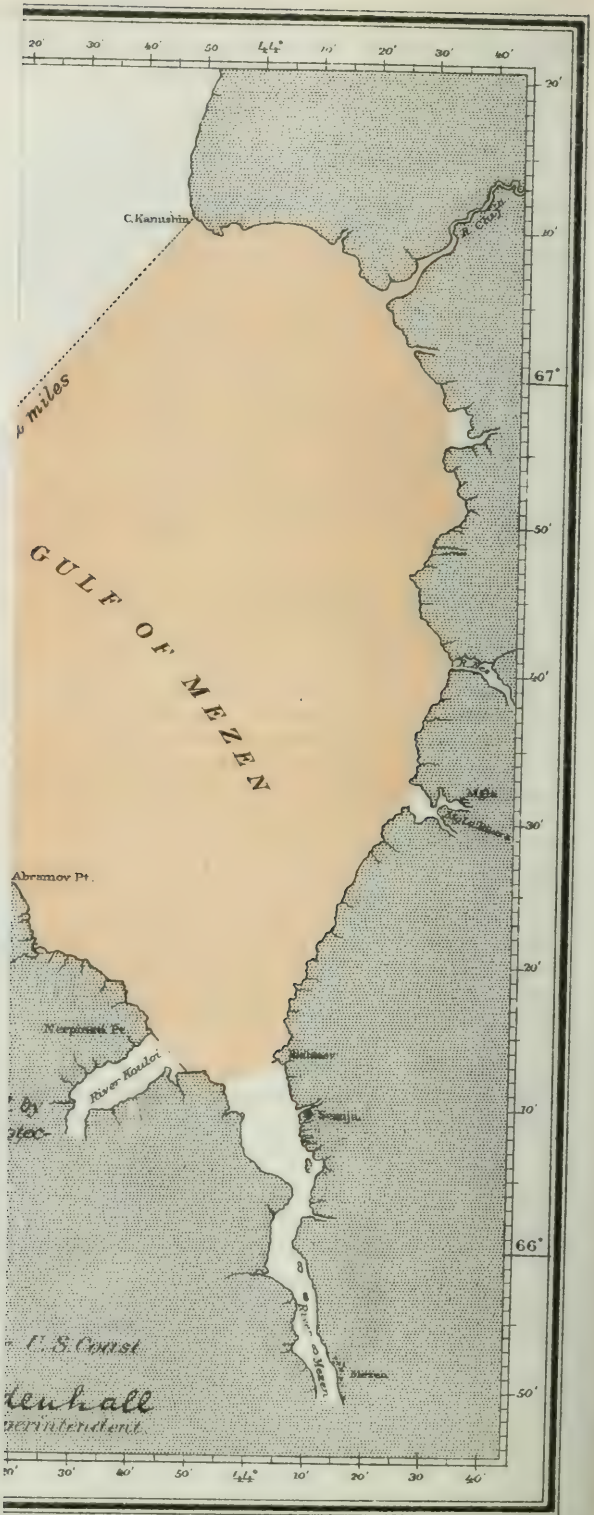
(4) For the purposes of this Act steamers which have been on a first trip shall be deemed to be on a second or subsequent trip if they shall engage at any time during the same year in killing seals at any place within the jurisdiction of the Supreme Court of Newfoundland after returning from such first trip. And the master and owners shall be liable to the same penalties as provided in the third section of this Act. Any complaint or information under this section shall be made within three months next after the return of the said steamer to a port of this Island.

(5) Sealing masters violating any of the preceding sections of this act shall be incompetent for two years after commission of any offense thereunder to be employed to command steamers at the seal fishery or to be cleared at the custom-house as master of such steamers.

(6) No officer of Her Majesty's customs in this colony shall clear any steamer for a sealing voyage before the eleventh day of March in any year, provided that in the event of the said eleventh day of March falling on a Sunday such steamers may be cleared on the preceding Saturday.

(7) No action shall be taken for the penalties provided by the fourth section after twelve months from the time such penalty shall have been incurred.


WHITE SEA
53 Nautical miles
GULF OF MEZEN
C. Kanushin
Abramov Pt.
Morgovets Pt.
River Kodar
RUSSIA
Area of the White Sea covered by the Laws of Russia for the protection of Seals
UNITED STATES COAST AND GEODETIC SURVEY
Prepared at the Office of the U.S. Coast and Geodetic Survey
T. C. Mendenhall
Superintendent


C. Kanushin
miles
GULF OF MEZEN
Abramov Pt.
Nerpenek Pt.
River Kouloi
Belaiev
Sosnija
Mezen
67°
66°
U.S. Coast
Denhall
Superintendent

RUSSIA.

CODE OF RUSSIAN LAWS GOVERNING RURAL INDUSTRIES.

[Translation.]

[Vol. XII, Part II. Edition of 1886. St. Petersburg.]

THE USTINSK SEALING INDUSTRY IN THE WHITE SEA.

SEC. 233. The Ustinsk industry consists in the killing of seals on the ice of the Gulf of Mesensk.

NOTE.—The limits of the Gulf of Mesensk, to which these rules apply, are described by a straight line running from Cape Voronof to Cape Kautin, through the southeastern extremity of the island Morshovtsa.

SEC. 234. The management of the killing as well as the division of products is left to the hunters.

SEC. 235. For the purpose of determining the time for beginning the killing and to see to the preservation of order and system, overseers are selected every three years from the following districts of the town of Mezen: Koida, Nishe, Dolgoi Shtchel, Semshi, Lamposhni, and Kargopol. For every twenty boats an overseer must be appointed, and for this purpose the districts are combined as follows: Koida with Nishe, Dolgoi Shtchel with Kargopol, Mezen with Semshi and Lamposhni. If after division by twenty boats ten or more boats are left over a special overseer must be appointed, but if the number of boats left over numbers less than five no overseer need be selected.

SEC. 236. The overseers assemble in the town of Mezen about the twentieth of March and appoint the day when the sealers are to put to sea. The day of departure must be determined and publicly announced in the townships named above (in sec. 235) not later than the 25th of March.

SEC. 237. The places of departure for the Ustinsk sealing are Cape Abramof and Cape Nerinsk, where those desiring to engage in sealing must assemble on the appointed day.

SEC. 238. The day appointed for departure for the Ustinsk sealing grounds from Cape Nerinsk must always be four days earlier than that set for Cape Abramof, so that if, for instance, the 10th day of April has been set for Abramof, the sealers must set out from Nerinsk on the 6th of April.

SEC. 239. During the continuance of the hunt it is strictly forbidden to light fires to windward of the groups or hauling grounds of seals, or to alarm them in any way.

SEC. 240. Persons guilty of violation of the above rules are liable to prosecution under article 57 of the Penal Code for Rural Courts and to confiscation of the whole catch. The boat to which the violator of the law belongs will be held responsible for the penalty imposed.

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THE FISHING AND SEALING INDUSTRIES IN THE CASPIAN SEA.

SEC. 432. The catching of fish and killing of seals in the waters of the Caspian Sea included in the Russian Empire, are free to all who desire to engage in the same, except in certain localities hereafter defined in section 439, under observance of the rules herewith established.

* * * * * * *

SEC. 435. For the right of fishing in the sea a license fee will be

collected from each boat for the benefit of the Imperial Treasury. For the right to kill seals a license fee is collected from each sealer, and in addition the seal oil shipped from the sea to the Lower Volga is subject to a fixed duty per pood.

SEC. 436. The amount of license fee for fishing and sealing, as well as of the duty on oil, will be determined by the Minister of Imperial Property, subject to revision by the Imperial Council.

SEC. 437. To defray the expenses of enforcing the rules herewith established, a certain percentage is set aside from every ruble collected for the Government from fishing and sealing licenses and duties on seal oil. * * *

SEC. 438. The Minister of Imperial Property is charged with the formation, publication, and enforcement of rules for the protection of the fishing and sealing industries.

SEC. 439. The rules and regulations herewith promulgated do not affect the following coastwise localities: (1) The waters lying opposite the shores of the Ural Cossack Territory, for a distance of seventy six versts from the west side and of eighty eight versts from the east side, the catch of fish and killing of seals in these waters being reserved to the Corps of Ural Cossacks, as specified in sections 607 to 611 of this code; (2) the waters extending twenty five versts north and twenty five versts west of Cape Tuck-Karagansk, of a surface area of six hundred and twenty five square versts from the Cape, which has been reserved for the settlers on the Manguishlak Peninsula; (3) the waters reserved by section 612 of this code to the Tersk Corps of Cossacks for a distance of seventy six versts from the shore; (4) the waters south of this tract to the Persian boundary for a distance of fifty versts from the shore.

NOTE.—If in the future any of the waters just named should become available for free fishing and hunting, the Minister of Imperial Property will issue regulations and publish the same accordingly.

SEC. 440. The administration of all matters relating to fisheries and sealing industries in the localities mentioned in sections 432 and 433 is intrusted to the Department of Agriculture and Rural Industries of the Ministry of Imperial Property.

SEC. 441. The local management of these industries is placed in the hands of special bureaus in the city of Astrakhan, under the title of "Administration of Fishing and Sealing Industries; The Committee on Fisheries and Sealing Industries, and the Fishery and Sealing Police."

NOTE.—The vessels of the Astrakhan Bureau of Fishing and Sealing Industries are entitled to carry a special flag and pennant to distinguish them from merchant vessels.

SEC. 442. The Bureau of Fishing and Sealing Industries consists of a Chief, three Inspectors (one senior and two juniors), and the necessary clerical force. In the absence of the Chief the senior Inspector takes his place.

SEC. 443. The Chief of the Bureau is subject to Highest Orders; the Inspectors to the orders of the Minister of Imperial Property; the other officials to the Bureau of Fishing and Sealing Industries.

SEC. 444. The Bureau stands in the same relation to the Ministry of Imperial Property and to the Governor of Astrakhan as the Provincial Bureau of Imperial Property.

SEC. 445. The Bureau is charged with the general supervision of the enforcement of the regulations promulgated in sections 432 to 599 of this Code, but if circumstances should arise which are not specially re-

ferred to in these regulations, and deferred action on which would cause injury and loss to the Government or private individuals, the Bureau of Fishing and Sealing Industries may take the necessary steps and report to the Governor of Astrakhan, who in his turn will immediately assemble the Committee on Fishing and Sealing Industries, to act under the provisions of sections 486 and 487.

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SEC. 448. The Bureau is charged with stationing, through its Inspectors, light-ships and buoys to determine the limits of the reserved waters belonging to the Corps of Ural and Tersk Cossacks.

SEC. 449. The Bureau, under Instructions of the Ministry of Imperial Property, will issue licenses for fishing or killing seals (tin plates with a number to be affixed to the bow of the boats or to the forward part of the sleds used for sealing on the ice). The necessary blanks, receipts, etc., will be furnished by the Public Treasury, upon requisition and statement as to the number required.

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SEC. 455. The Bureau of Fishing and Sealing Industries is charged with the collection of fees and fines and with the sale by auction of all confiscated property. If such property has been seized outside of Astrakhan and its shipment to that place is not convenient, the local fiscal authorities nearest to the place of seizure may be entrusted with such sale, in the presence of one of the officials of the Bureau.

The Bureau receives the reports of the Police of Fishing and Sealing Industries of all violations of the regulations, and inaugurates proceedings against offenders in accordance with the respective sections of this Code.

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SEC. 498. Of the three Inspectors of the Sealing Industry one is stationed on Kulali Island, where the principal killing is done, to enforce compliance with the protective regulations.

SEC. 499. The principal duty of the other two Inspectors consists in the collection of the duties on seal oil shipped to Astrakhan for transmission to the interior provinces of Russia.

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SEC. 535. The sealing industry is free over the whole extent of the Caspian Sea specified in section 432.

SEC. 536. The sealers may winter on the sealing grounds, with the exception of the localities where seals haul up for breeding. All who desire to make use of this privilege must procure an annual license.

SEC. 537. The killing of seals must be begun by all sealers at one and the same time, and for this purpose they will assemble at a certain point for consultation, duly notifying the Inspector at Kulalinsk to enable him to be present. From the point selected all sealers depart together, accompanied by the Inspector, without waiting for any who may fail to appear in time.

SEC. 538. The so-called "driving" of seals, *i. e.*, driving them into stationary nets by shouting and discharging firearms, is prohibited on all islands and coasts where the seals haul up for breeding. At all other places driving is permitted, unless it interferes with other fisheries.

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SEC. 540. The killing of seals in the winter, the old as well as the young, or white seals (for which the men go out on the ice with horses)

is forbidden, but on the breaking up of the ice, seals may be killed from boats.

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SEC. 580. For killing seals before the appointed time each boat is fined fifty rubles and the whole catch confiscated.

SEC. 581. For killing seals on the ice in the winter the offender is fined two rubles for each seal killed and the whole catch is confiscated.

SEC. 582. For secretly disposing of seal oil, and evading the payment of duty at Astrakhan, the fine is three times the value of the oil thus illegally sold.

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URUGUAY.

LETTER STATING THE CONTENTS OF CERTAIN STATUTES OF URUGUAY, BY THE CUSTODIAN OF THE ARCHIVES AT MONTEVIDEO.

UNITED STATES OF AMERICA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify that the document hereto annexed is a true copy from the files of this Department.

In testimony whereof I, John W. Foster, Secretary of State of the United States, have hereunto subscribed my name and caused [SEAL.] the seal of the Department of State to be affixed.

Done at the city of Washington this second day of August, A. D. 1892, and of the Independence of the United States of America the one hundred and seventeenth.

JOHN W. FOSTER.

Señor OFICIAL MAYOR: En cumplimiento del decreto que antecede, debo informar á SS^{a}. que la pesca de lobos en las islas de "Lobos," "Polonio," "Castillos Grandes," y "Coronilla," y las costas del "Rio de la Plata" y océano adyacente á los departamentos de "Maldonado" y "Rocha," se hace por contratistas que la obtienen por periodos de diez años, pagando anualmente al tesoro público siete mil pesos oro y además el derecho departamental de veinte centésimos por cada piel de anfibio y cuatro centésimos por arroba de aceite, que fué creado, así como su destino, por las leyes de 23 de Julio de 1857, y 28 de Junio de 1858 (Caraira, tomo 1, paginas 446 y 488, coleccion de leyes). El Estado les garante á los contratistas el tranquilo ejercicio de la industria, no permitiendo el arribo á dichas islas de buques de ningun género, ni la construccion de obras que pudieran ahuyentarlos. Las faenas empiezan el primero de Junio y terminan el 15 de Octubre. (Decreto de 17 de Mayo de 1876, pagina 1480 de la Legislacion Vigente, por Goyena.) Es cuanto tiene que informar el infrascrito. Dios guarde a SS^{a}. m^{s}. a^{s}. (Firmado) Arturo E. Gonzalez, Encargado del archivo. Montevideo, Abril 2 de 1892.

Es copia conforme.

OSCAR HORDEÑANA,
Ofl. Mayor.

[Translation.]

Mr. CHIEF CLERK: I have to inform you, in compliance with the foregoing decree, that the taking of seals on the islands called Lobos, Polonio, Castillos Grandes, and Coronilla, on the coasts of the Rio de la Plata and in that part of the ocean adjacent to the Departments of Maldonado and Rocha, is done by contractors who obtain their contract for periods of ten years each, paying annually into the public treasury seven thousand dollars in gold, and also the departmental duty of twenty cents on each seal skin and four cents on each arroba of oil. This duty was established (and provision made for the object to which it was to be applied) by the act of July 23rd, 1857, and that of June 28th, 1858 (Caraira, vol. 1, pages 440 and 488, Digest of Laws). The State guarantees to the contractors that they shall carry on their industry without molestation. It does not permit vessels of any kind to anchor off any of the said islands, and does not allow any works to be constructed that might frighten the seals away. The catch begins June 1st and ends October 15th. (Decree of May 17th, 1876, page 1480 of "Laws now in Force," by Goyena.) This is all that the undersigned has to communicate.

God guard you many years.

(Signed) ARTURO E. GONZALEZ,
Custodian of the Archives.

MONTEVIDEO, *April 2d, 1892.*

A true copy.

(Signed) OSCAR HORDEÑANA,
Chief Clerk.

JAPAN.

Extract from the regulations numbered sixteen of the seventeenth year of Meiji (1885).

[Promulgated on the 23rd of May, 1885, by the Minister of State for Agriculture and Commerce.]

[Translation.]

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SEC. 14. Hereafter the hunting and killing of seals and sea otter in the Hokkaido (Yesso and the islands to the north belonging to Japan), except as hereinafter provided, is prohibited.

Any person who shall be convicted of a violation of this regulation shall be punished in accordance with the terms of Section 372 of the Criminal Code,* and, in addition, the skins or other fruits of such unlawful hunting shall be summarily confiscated. If such skins, etc., shall have been sold, the offender shall be liable to the payment of a fine equal to the total amount received therefor.

The Minister of State for Agriculture and Commerce shall be empowered to grant to such persons as he may deem fit, and for such compensation as may be determined upon, the exclusive privilege of

* Section 372 of the Criminal Code has reference to the theft of standing crops, grain, vegetables, etc. It provides a minimum punishment of one month's and a maximum punishment of one year's imprisonment at hard labor.

hunting seals and sea otter in the Hokkaido. And in such case the provisions of the foregoing prohibition shall not apply.

A true translation.

D. W. STEVENS,
Counsellor of Legation.

GREAT BRITAIN AND CANADA.

A BRIEF SUMMARY OF THE LAWS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE DOMINION OF CANADA, RELATING TO THE PROTECTION OF GAME, BIRDS, AND FISHES.

Over one hundred statutes have been enacted by the Parliaments of Great Britain and Canada during the last two centuries for the protection of game, wild birds, and fishes. For convenience of treatment these statutes may be divided into four groups, as follows:

First, those which are designed to promote the regular breeding of these wild creatures by the establishment of annual close seasons, public breeding grounds and hatcheries, and other methods.

Second, those statutes which prohibit their destruction by the use of wasteful or dangerous methods and instruments.

Third, those statutes which limit the number of persons authorized to hunt and kill them by the establishment of license systems.

Fourth, those statutes which prescribe the methods by which such protective regulations shall be enforced.

I. At the present time in England there are statutes in force prescribing a close season for all kinds of birds and freshwater fish, for nearly all kinds of game, and for many marine fish. The game laws of England are of very ancient origin, but down to 1869 there was no time of year during which it was unlawful to kill birds not included in the Game Acts. In consequence of the great decrease of sea birds by their being killed during the breeding season, "The Sea Birds Preservation Act"[1] was passed in 1869, which established a close time lasting four months (April 1–Aug. 1) for thirty-three distinct species of sea birds.

In 1872 and 1876 similar statutes[2] were passed for the protection of wild land birds. Eighty different species of birds were mentioned in these acts, and a close season of five and a half months prescribed for them.

In 1880 "The Wild Birds Protection Act"[3] was passed, which repealed the three acts above mentioned and prescribed one uniform close season lasting from March 1 to August 1, for all birds whatsoever, in every part of the United Kingdom. Under this act, which is in force at the present time, it is unlawful during the close time prescribed "to shoot or attempt to shoot any wild bird; or to use any boat for shooting or causing to be shot any wild bird; or to use any lime, trap, snare, or other instrument for taking any wild bird."[4] It is also illegal under this act, as modified subsequently,[5] to sell or to have in one's possession any wild bird, unlawfully killed during the close time, between March 15 and August 1. Provision is also made in Section 6 for the trial of

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[1] 32 and 33 Vict., c. 17.
[2] 35 and 36 Vict., c. 78; 39 and 40 Vict., c. 29.
[3] 43 and 44 Vict., c. 35.
[4] Sec. 3. See Supplement to Oke's "Game Laws," 3d Edit., page 7.
[5] 44 and 45 Vict., c. 51.

offences against the act committed on the High Seas within the jurisdiction of the Admiralty, no mention being made of any limit to this jurisdiction. Under Section 8 power is given to the Home Office to extend or vary the close season for particular localities under certain circumstances.

Under the present fishery laws of the United Kingdom and Canada close seasons are prescribed for nearly all kinds of fish. By the Salmon Fishery Acts of 1865, 1873, and 1876[1] close seasons are designated for salmon, trout, and char, and for all other kinds of freshwater fish (which prior to 1878 might be caught freely at all seasons of the year) by the Freshwater Fisheries Act of 1878.[2] The act of 1873[3] further protects the salmon in rivers by forbidding all persons from fixing any baskets, nets, traps, or devices for taking eels in a salmon river between Jan. 1 and June 24, and from placing any wheels or leaps for taking lamperns between March 1 and August 1.

By the Revised Statutes of Canada (1886) close seasons are prescribed for certain fish, and authority is conferred upon the Governor in Council to prescribe such close seasons for others.[4] By reference to the accompanying table of close seasons the nature and extent of the different close seasons now in force in the United Kingdom of Great Britain and Ireland and the Dominion of Canada can be readily ascertained.

In both countries the laws forbidding the killing of game and fish during the close seasons are further enforced by other laws prohibiting all persons from dealing in the forbidden articles or having them in their possession during such close seasons.[5]

Table of Close Seasons for Game and Wild Birds now in force.

Name of game or bird.	Name of country.	Close season.	Statutes
Black game	United Kingdom	Dec. 10 to Aug. 20	1 and 2 Wm. IV, c. 32, Sec. 3.
Bustard, or Wild Turkey.	England	Mar. 1 to Sept. 1	1 and 2 Wm. IV, c. 32, Sec. 3; 27 George III, c. 35, Sec. 4.
	Ireland	Jan. 10 to Sept. 1	
Deer (male)	do	June 10 to Oct. 28	10 Wm. III, c. 8, Sec. 6.
Deer (fallow)	do	Michaelmas to June 20	
Grouse	United Kingdom	Dec. 10 to Aug. 12	1 and 2 Wm. IV, c. 32, Sec. 3.
Hares and Rabbits	do	On moorlands and unenclosed lands, Apr. 1 to Dec. 10.	43 and 44 Vict., c. 47, Sec. 1.
Heath fowl	Scotland	Dec. 10 to Aug. 20	13 George III, c. 54, Sec. 1.
Partridge	England	Feb. 1 to Sept. 1	1 and 2 Wm. IV, c. 32, Sec. 3.
Do	Scotland	do	13 George III, c. 54, Sec. 1.
Do	Ireland	do	37 George III, c. 21, Sec. 2.
Pheasant	England	Feb. 1 to Oct. 1	1 and 2 Wm. IV, c. 32, Sec. 3.
Do	Scotland	do	13 George III, c. 54, Sec. 1.
Do	Ireland	do	28 and 29 Vict., c. 54.
Quail	England and Scotland	Mar. 1 to Aug. 1	43 and 44 Vict., c. 35, Sec. 3.
Do	Ireland	Jan. 10 to Sept. 20	37 George III, c. 21, Sec. 2.
All kinds of wild birds.	United Kingdom	Mar. 1 to Aug. 1	43 and 44 Vict., c. 35, Sec. 3.

[1] 28 and 29 Vict., c. 121; 36 and 37 Vict., c. 71; 39 and 40 Vict., c. 19.
[2] 41 and 42 Vict. c. 39.
[3] 36 and 37 Vict., c. 71, Sec. 15.
[4] R. S., c. 95, Secs. 8–12, 16.
[5] 1 and 2 Wm. IV., c. 32, Sec. 4; 41 and 42 Vict., c. 39, Sec. 11; 43 and 44 Vict., c. 35, Sec. 3; R. S. of Canada, c. 95, Sec. 12.

Table of Close Seasons for Fish now in force.

Name of fish.	Name of country.	Close season.	Statutes.
Bass	Ontario and Quebec	Apr. 15 to June 15	By Governor in Council under Revised Statutes, c. 95, Secs. 11, 16.
Char	England and Wales	Oct. 1 to Feb. 1	28 and 29 Vict., c. 121, Sec. 64.
Freshwater fish (except pollen, trout, and char.)	do	Mar. 15 to June 15	"The Freshwater Fisheries Act, 1878," 40 and 41 Vict., c. 39, Sec. 11.
Herring	West coast of Scotland	Day fishing prohibited between June 1 and Oct. 1.	"The Herring Fisheries (Scotland) Act, 1889," 52 and 53 Vict. c. 23, Sec. 5.
Lobsters	New Brunswick (south coast), Nova Scotia (west coast).	Aug. 1 to Apr. 1	By Governor in Council, under R. S., c. 95, Sec. 16.
Do	New Brunswick (north coast), Nova Scotia (north coast), Quebec.	Aug. 20 to Apr. 29	(See Statistical Record of Canada, 1886, p. 326.)
Oysters	New Brunswick, Nova Scotia, Prince Edward Island, Quebec.	June 1 to Sept. 15	Do.
Pickerel	Manitoba, Ontario, Quebec.	Apr. 15 to May 15	(See Statistical Record of Canada, 1886, p. 326,) and R. S., c. 95, Sec. 11.
Pollen	Ireland	Nov. 1 to Jan. 31	44 and 45 Vict., c. 66.
Salmon	United Kingdom	Sept. 1 to Feb. 1	36 and 37 Vict., c. 71, Sec. 19.
Do	Quebec	Aug. 1 to May 1 (net fishing); Sept. 1 to May 1 (angling).	Revised Statutes of Canada, c. 95, Sec. 8. (See Statistical Record of Canada, 1886, p. 325.)
Do	Nova Scotia	Aug. 15 to Mar. 1 (net fishing).	
Do	New Brunswick	Sept. 15 to Feb. 1 (angling)	
Sea bass	do	Mar. 1 to Oct. 1	By Governor in Council, under R. S., c. 95, Secs. 11, 16.
Smelts	New Brunswick, Nova Scotia.	Apr. 15 to May 15	Do.
Sturgeon	New Brunswick	Aug. 31 to May 1	Do.
	Manitoba, and Northwest Territory.	May 1 to June 15	Do.
Trout	England and Wales	Oct. 1 to Feb. 1	28 and 29 Vict., c. 121, Sec. 64.
Trout (brook)	Ontario and Quebec	Sept. 15 to Jan. 1	
Trout (speckled)	Ontario	Sept. 15 to May 1	R. S., c. 95, Sec. 9.
	Prince Edward Island	Oct. 1 to Dec. 1	
	Rest of Canada	Oct. 1 to Jan. 1	

In addition to the general fishery acts which have been passed at different times by Parliament, special acts prescribing regulations for particular counties or rivers have been enacted from a very early period. Instances of such acts are the statutes of 4 Anne and 1 George I, for "The Preservation of Salmon and other Fish in the Counties of Southampton and Wilts" (amended by 37 George III, c. 95); and the statute of 18 George III for "the better Preservation of Fish and Regulating the Fisheries in the Rivers Severn and Verniew."[1]

Under this first section, in the general division of the subject, may be cited the following British and Canadian statutes, which have for their object the prevention of acts prejudicial to the processes of breeding of game, birds, and fish, viz:

That which prohibits the taking of the eggs of any game bird, swan, wild duck, teal, or widgeon.[2]

That which prohibits the destruction of either the eggs or nests of any partridge, pheasant, grouse, quail, duck, or other wild fowl.[3]

That which imposes a penalty upon any one who shall buy, sell, or have in his possession any salmon, trout, or char roe, or who shall use any kind of fish roe as bait.[4]

[1] Oke's "Fishery Laws," pp. 31, 32.
[2] 1 and 2 Wm. IV, c. 32, Sec. 24.
[3] 10 Wm. III, c. 8, Sec. 8.
[4] 24 and 25 Vict., c. 109, Sec. 9.

That which forbids the taking of young salmon;[1]

Or catching or disturbing salmon when spawning or near the spawning beds.[2]

Or interfering with the free passage of salmon up a river.[3]

Or placing a device in any non-tidal water to obstruct any fish descending the stream.[4]

That which prohibits the taking, buying, or selling, or having in possession pollen less than eight inches in length.[5]

The Revised Statutes (1886) of Canada provide—

That no salmon of less than three pounds shall be caught or killed.[6]

That no salmon shall be captured within two hundred yards of the mouth of any tributary, creek, or stream which salmon frequent to spawn.[7]

That no one shall catch, buy, sell, or possess, the young of any fish protected by the statutes.[8]

The Report on the Fisheries Protective Service of Canada for 1889 (pp. 8, 10), recommends the passage at an early date of similar laws to check the depletion of the lobster and mackerel fisheries of Canada. The establishment of close seasons, and the adoption of stringent laws against the destruction of spawn and young fish are strongly urged.

An extensive system of hatcheries for the artificial breeding of fish is maintained by the Canadian Government. At these hatcheries there are raised, by artificial processes, salmon, white fish, salmon trout, brook trout, pickerel, black bass, and (since 1891) lobsters.[9] Experiments have recently been begun with great success in the artificial breeding of cod and oysters.[10] The gross output of young fish from the thirteen public hatcheries of Canada for the year 1890 was 90,213,000, and the number of eggs of fresh and salt water fish placed in the incubators, 144,613,000; while the total number of young fish turned out of the hatcheries into the waters of Canada since the inception of artificial fish culture by the Government in 1868, is 799,757,900.[11]

As the result of the fostering care thus exercised, and other causes, the total export product of Canadian fisheries increased during the fifteen years succeeding that date (1868–1883), from $3,357,510 to $8,809,118.[12]

II. Next in order of treatment are those statutes which have for their object the prevention of wasteful and destructive methods of killing game, birds, and fishes. In this group may be placed the British statutes forbidding poaching by night, either on private land,[13] or on the public highways;[14] also—

Those which prohibit the placing of poison in exposed places,[15] for

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[1] Ibid., Sec. 15.
[2] Ibid., Sec. 16.
[3] 36 and 37 Vict., c. 71, Sec. 16.
[4] Ibid., Sec. 15.
[5] "The Pollen Fisheries Act, (Ireland) 1891," 54 and 55 Vict., c. 20, Sec. 3.
[6] R. S., c. 95, Sec. 8.
[7] Ibid., Sec. 8.
[8] R. S., c. 95, Sec. 14.
[9] Report of the Superintendent of Fish Culture for the Dominion of Canada, 1890, pp. 7–9.
[10] Report of the Superintendent of Fish Culture for the Dominion of Canada, 1889, pp. 75–81.
[11] Ibid., 1890, page 5.
[12] Johnson's Graphic Statistics of Canada, 1887, page 4.
[13] 10 Wm. III, c. 8, Sec. 16; 27 Geo. III, c. 35, Secs. 4, 5; 9 Geo. IV, c. 69; 11 and 12 Vict., c. 29, Sec. 5.
[14] 7 and 8 Vict., c. 29.
[15] 1 and 2 Wm. IV, c. 32, Sec. 3; 11 and 12 Vict., c. 30, Sec. 4; 26 and 27 Vict., c. 13, Sec. 3

the purpose of catching game, and the sale of poisoned grain, seed, or meal for any purpose.[1]

Those statutes which prohibit the use of poison, lime, and noxious substances for the killing of freshwater fish,[2] and the discharge of substances into salt[3] or fresh water such as would be likely to injure marine or river fish.[4]

The English "Ground Game Act, 1880"[5] prohibits the general use of spring traps for catching ground game, and limits narrowly the number of persons authorized to kill such game with firearms.

"The Fisheries (Dynamite) Act, 1877"[6] prohibits the use of dynamite and other explosives for the catching of fish in a public fishery, and "The Freshwater Fisheries Act, 1878," extends this prohibition to private waters.[7]

In the Dominion of Canada, the use of explosive instruments in the hunting of whales, seals, and porpoises is forbidden by statute;[8] and a bill has been introduced into the Canadian House of Commons this present year, by the Minister of Marine and Fisheries, extending this prohibition to all other kinds of fish.[9]

Those statutes have a similar object which prohibit the use of nets of less than a certain size in order to prevent the needless destruction of fish too small for consumption.[10]

Other statutes prohibit the use of nets altogether in certain cases, either directly or through the instrumentality of a Fishery Board,[11] especially in localities where they would interfere with the breeding of the fish.[12]

The British Salmon Fishery Acts prohibit the taking of salmon, trout, or char by means of lights, laths, jacks, wires, snares, spears, gaffs, strokehalls, snatches, and other like instruments.[13]

The use of fixed engines for taking salmon is also forbidden,[14] as well as the breaking of dams or flood-gates with the intention to take salmon or other fish.[15]

To protect clam and other bait beds from injury another act empowers the British Board of Trade to restrict or prohibit the use of the beam trawl for any assigned period.[16]

The history of British legislation on the subject of the protection of sea fisheries is instructive. Thirty years ago these fisheries were regulated by an elaborate system of protective measures which were all substantially repealed in 1868 upon the recommendation of a Royal Commission. Owing to the unrestricted fishing in the sea which thereupon ensued, there resulted such a serious depletion of the fisheries that another Commission appointed in 1883 recommended a return to

[1] 26 and 27 Vict., c. 113 Sec. 2; 27 and 28 Vict., c. 115; 43 and 44 Vict., c. 47 Secs. 1, 6.
[2] 24 and 25 Vict., c. 97, Sec. 32; c. 109, Sec. 5; 36 and 37 Vict., c. 71, Sec. 13.
[3] 51 and 52 Vict., c. 54, Secs. 1, 2.
[4] R. S. Canada, c. 95, Sec. 15.
[5] 43 and 44 Vict., c. 47, Secs. 1, 6.
[6] 40 and 41 Vict., c. 65.
[7] 41 and 42 Vict., c. 39, Sec. 12.
[8] R. S., c. 95, Sec. 6.
[9] House of Commons Debates, 1892, Vol. 24, page 119.
[10] 24 and 25 Vict., c. 109, Sec. 10; R. S. Canada, c. 95, Secs. 8, 10, 14.
[11] 47 and 48 Vict., c. 11, Sec. 1; R. S. Canada, c. 95, Secs. 8, 14; amended by 54 and 55 Vict., c. 43, Sec. 1.
[12] R. S., c. 95, Sec. 10.
[13] 24 and 25 Vict., c. 109, Secs. 8, 9; 28 and 29 Vict., c. 121, Sec. 64.
[14] 24 and 25 Vict., c. 109, Sec. 11.
[15] 24 and 25 Vict., c. 97, Sec. 32.
[16] 44 and 45 Vict., c. 11.

the former restrictive measures; since which time a number of statutes have been passed to accomplish the end in view.

Thus, in 1885, "The Sea Fisheries (Scotland) Amendment Act"[1] was passed, which conferred upon the Fishery Board of Scotland power to make by-laws restricting or prohibiting any method of fishing for sea fish which they might deem injurious (subject to the approval of the Home Office), in any part of the sea adjoining Scotland within the fishery limits of the British Islands.

In 1888 "The Sea Fisheries Regulation Act"[2] for England and Wales was passed, which provided for the establishment of sea fisheries districts and local fisheries committees and empowered these committees to make by-laws restricting or prohibiting the use of any injurious instrument in taking sea fish, and other rules and regulations.

"The Herring Fishery (Scotland) Act, 1889,"[3] empowered the Fishery Board of Scotland to prohibit by appropriate by-laws methods of fishing known as beam trawling and otter trawling on any part of the coast of Scotland within three miles of land, and within any of the bays enclosed by headlands specified in a schedule annexed to the act. Provision[4] was also made in Section 7 extending the authority of the Board over a section of the sea lying within a line drawn from Duncansby Head in Caithness to Rattray Point in Aberdeenshire.

A similar provision occurs in "The Steam Trawling (Ireland) Act, 1889,"[4] which empowers the Inspectors of Irish Fisheries to make by-laws prohibiting beam trawling or otter trawling, "within three miles of low-water mark of any part of the coast of Ireland, or within the waters of any other defined areas specified in any such by-law."

III. An elaborate system of licenses to restrict and regulate the killing of game, birds, and fish has been in vogue in the United Kingdom for a long time past. Thus, under the English Game Acts,[5] an excise license is required before any person (other than the owner) can legally kill deer or any other game with certain limited exceptions. Other statutes restrict the killing of game even further. Thus no one is permitted in England to kill hares, except an occupier of land, and one other person authorized by him in writing.[6]

Under the "Gun License Act,"[7] a license is required before any person can use or carry a gun for any purpose.

An elaborate system of licenses is also in operation regulating the selling of game, and under it penalties are imposed upon all persons who sell game without a license, or who shall sell to a dealer not licensed, or who buy game from an unlicensed dealer.[8]

"The Freshwater Fisheries Act, 1878,"[9] authorizes the Boards of Fish Conservators to issue licenses, by the day, week, season, or part thereof, to take salmon, trout, or char. Similar authority to issue fishing licenses is conferred upon the Minister of Marine and Fisheries of the Dominion of Canada, by the Revised Statutes of that country.[10] The license system in the case of other fish has proved to be so successful that a bill has just been introduced into the Dominion Parliament to place the

[1] 48 and 49 Vict., c. 70, Sec. 4.
[2] 51 and 52 Vict., c. 54, Secs. 1, 2.
[3] 52 and 53 Vict., c. 23, Secs. 6, 7.
[4] 52 and 53 Vict., c. 71, Sec. 3.
[5] 1 and 2 Wm. IV, c. 32; 23 and 24 Vict. c. 90.
[6] 11 and 12 Vict., c. 29, Sec. 2.
[7] 33 and 34 Vict., c. 57.
[8] 1 and 2 Wm. IV, c. 32, Secs. 25, 27.
[9] 41 and 42 Vict., c. 39, Sec. 7, and acts cited therein.
[10] C. 95, Sec. 4.

lobster fishery under license, for the reason, as stated by the Minister of Marine and Fisheries in the course of debate, that the industry is in imminent danger of extermination through excessive and indiscriminate fishing.[1]

IV. Very extensive powers are conferred upon the owners of property and upon officers of the law in Great Britain to aid the enforcement of statutes designed to protect game, birds, and fish.

Thus the owner of game can warn off poachers by day[2] or night,[3] and require them to tell their names and addresses, and if they refuse or return on the land, to arrest them and take them before a justice. Game recently killed may be seized and taken by force from trespassers by the owner for his own use,[4] and under the decisions of the English House of Lords the owner can seize game which has been illegally caught on his land, even when in the hands of an innocent purchaser, for value.[5]

Gamekeepers are permitted to seize dogs, nets, and engines found on the owner's land which belong to persons not licensed to kill game,[6] and a dog or implement so seized becomes thereby forfeited to such owner, who may destroy it or not, as he thinks fit.[7]

By statute any one who, without right, hunts deer on inclosed ground is guilty of felony, and any one who commits a second offense of any kind relating to deer, whether similar to the first offense or not, is also guilty of felony.[8]

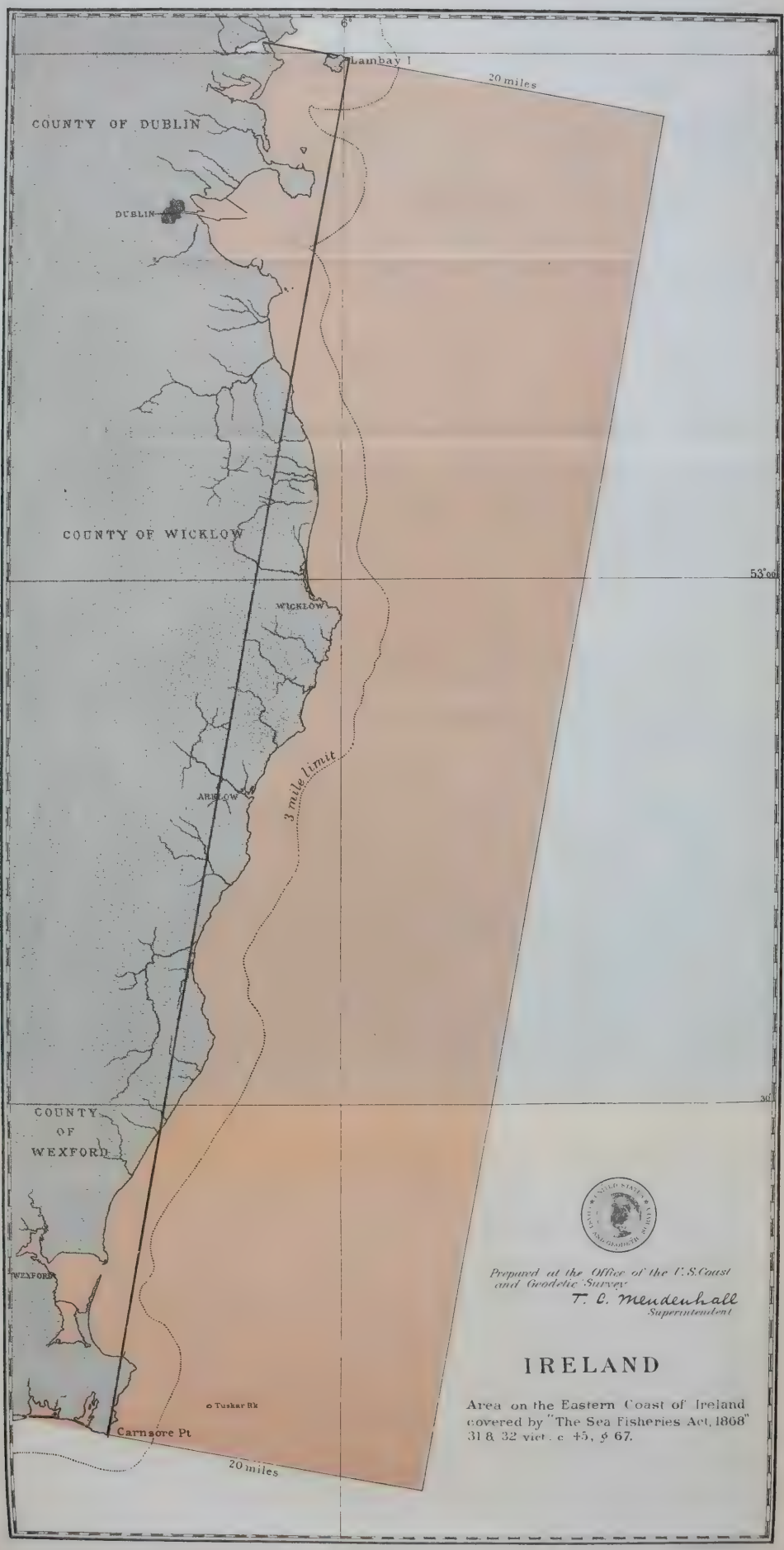
By "The Poaching Prevention Act, 1862,"[9] any constable may stop and search on the highway any person suspected of having been unlawfully on land in search of game, and having game, nets, or guns in his possession, and also persons suspected of having aided and abetted such poaching; and he may also stop and search any cart suspected of containing such game or implements, and seize and detain them, and proceed against the offender before a justice, where upon conviction he shall be liable to a fine and the forfeiture of the game.

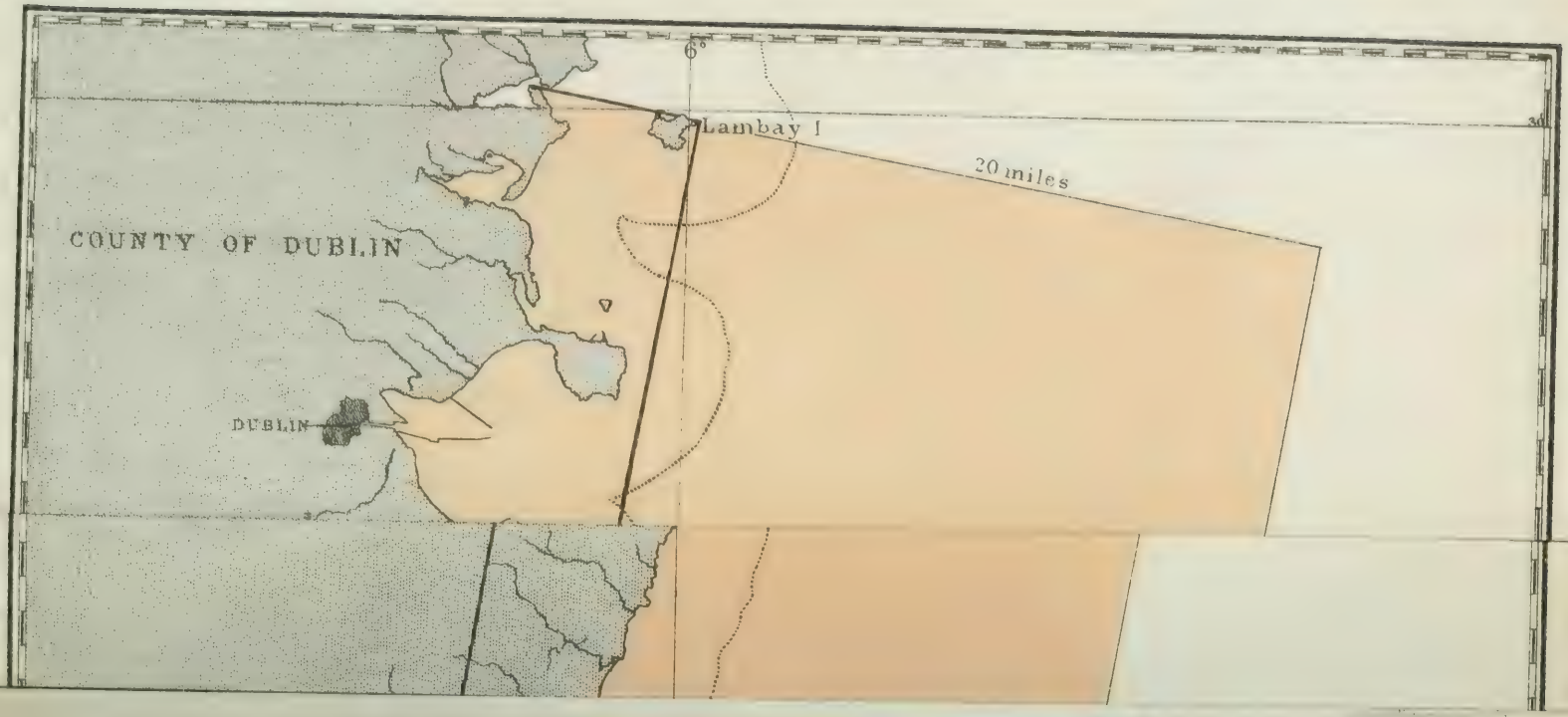
The fisheries of the United Kingdom and Ireland are protected through the instrumentality of a series of Fishery Boards, of which there are in England three sets at the present time, viz, the Salmon Fishery Boards, under the acts of 1865 and 1873;[10] the Trout and Char Fishery Boards, under the act of 1878;[11] and the Freshwater Fishery Boards, under the acts of 1878 and 1884.[12]

"The Fishery Board (Scotland) Act, 1882," established a fishery board for Scotland to take cognizance of everything relating to the coast and deep-sea fisheries of Scotland.[13]

The Revised Statutes of the Dominion of Canada provide that fishery officers shall be appointed by the Governor in Council, and very large powers are entrusted to that official to make and alter regulations for the sea-coast and inland fisheries, which have the same force and effect as if enacted by the Canadian Parliament.[14]

[1] Debates of House of Commons of Canada, 1892, vol. 24, page 119.
[2] 1 and 2 Wm. IV, c. 32, Sec. 31.
[3] 9 Geo. IV, c. 69, Sec. 2.
[4] 1 and 2 Wm. IV, c. 32, Sec. 36; for Scotland, 2 and 3 Wm. IV, c. 68, Sec. 5.
[5] Blades *v.* Higgs, 11 H. L. C., 621.
[6] 1 and 2 Wm. IV, c. 32, Sec. 13; 24 and 25 Vict., c. 96, Secs. 15, 16.
[7] Kingsworth *v.* Bretton, 5 Taunt., 416.
[8] 24 and 25 Vict., c. 96, Secs. 12, 13.
[9] 25 and 26 Vict., c. 114, Sec. 2.
[10] 28 and 29 Vict., c. 121, Secs. 4, 5, 19, 38; 36 and 37 Vict., c. 71, Secs. 5–8.
[11] 41 and 42 Vict., c. 39, Sec. 6.
[12] 41 and 42 Vict., c. 39, Sec. 6; 47 and 48 Vict., c. 11, Sec. 2.
[13] 45 and 46 Vict., c. 78.
[14] R. S., c. 95, Secs. 2, 16.


Lambay I
20 miles
COUNTY OF DUBLIN
DUBLIN
COUNTY OF WICKLOW
53°00'
WICKLOW
3 mile limit
ARKLOW
COUNTY
OF
WEXFORD
WEXFORD
Tuskar Rk
Carnsore Pt
20 miles
Prepared at the Office of the U.S. Coast and Geodetic Survey
T. C. Mendenhall
Superintendent
IRELAND
Area on the Eastern Coast of Ireland covered by "The Sea Fisheries Act, 1868" 31 & 32 viet. c 45, § 67.


6°
30
Lambay I
20 miles
COUNTY OF DUBLIN
DUBLIN

In England the owner of land or any one in his employ, may seize the implements of any person angling for fish without right, or may prosecute him by criminal proceedings; and both remedies may be enforced concurrently against any one who fishes unlawfully by any means other than angling.[1]

Under "The Salmon Fishery Act, 1865."[2] any water bailiff may stop and search the boats of any person suspected of illegal fishing, and may search his baskets, and seize any fish and implements, and apprehend the offender without a warrant.

Justices of the Peace may issue warrants to search places for illegal instruments and fish illegally caught and seize the same, which upon the conviction of the offender shall be forfeited.[3]

"The Herring Fishery (Scotland) Amendment Act, 1890,"[4] provides for the punishment of persons convicted of illegal fishing for herring, and that every net illegally set may be seized and destroyed, or otherwise disposed of.

"The Pollen Fisheries (Ireland) Act, 1891,"[5] provides that constables and water bailiffs may without a warrant open and examine all boxes and baskets in search of pollen illegally caught, and may stop and search all boats, and seize fish and instruments as to which there has been an infraction of the law.

By a recent act[6] the use of purse seines for catching any fish in any of the waters of Canada has been absolutely prohibited, and the penalty imposed consists of a fine and the confiscation of the offending vessel and all the apparatus used in connection with the illegal catching of fish by the method in question.

GREAT BRITAIN.

STATUTE OF, RELATING TO THE OYSTER FISHERIES OF IRELAND.

"THE SEA FISHERIES ACT, 1868."

[31 and 32 Vict., cap. 45. July 13, 1868.]

* * * * * * *

67. The Irish Fishery Commissioners may from Time to Time lay before Her Majesty in Council Byelaws for the Purpose of restricting or regulating the dredging for Oysters on any Oyster Beds or Banks situate within the Distance of Twenty Miles measured from a straight Line drawn from the Eastern Point of Lambay Island to Carnsore Point on the Coast of Ireland, outside of the Exclusive Fishery Limits of the British Islands, and all such Byelaws shall apply equally to all Boats and Persons on whom they may be binding.

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[1] 24 and 25 Vict., c. 96, Secs. 24, 25.
[2] 28 and 29 Vict., c. 121, Secs. 31, 36.
[3] 41 and 42 Vict., c. 39, Secs. 9, 11; 51 and 52 Vict., c. 54, Sec. 7; R. S. Canada, c. 95, Secs. 12, 17.
[4] 53 and 54 Vict., c. 10, Sec. 3.
[5] 54 and 55 Vict., c. 20, Secs. 5, 6.
[6] 54 and 55 Vict., c. 43, Sec. 1.

It shall be lawful for Her Majesty, by Order in Council, to do all or any of the following Things, namely:

(*a*) To direct that such Byelaws shall be observed;

(*b*) To impose Penalties not exceeding Twenty Pounds for the Breach of such Byelaws;

(*c*) To apply to the Breach of such Byelaws such (if any) of the Enactments in force respecting the Breach of the Regulations respecting Irish Oyster Fisheries within the Exclusive Fishery Limits of the British Islands, and with such Modifications and Alterations as may be found desirable;

(*d*) To revoke or alter any Order so made, provided that the length of Close Time prescribed by any such Order shall not be shorter than that prescribed for the Time being by the Irish Fishery Commissioners in respect of Beds or Banks within the exclusive Fishery Limits of the British Islands.

Every such Order shall be binding on all British Sea-Fishing Boats, and on any other Sea-Fishing Boats in that Behalf specified in the Order, and on the Crews of such Boats.

STATUTE RELATING TO THE SCOTCH HERRING FISHERY.

"HERRING FISHERY (SCOTLAND) ACT, 1889."

[52 and 53 Vict., cap. 23. 26th July, 1889.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short Title.

1. This Act may be cited as the Herring Fishery (Scotland) Act, 1889.

Extent of act.

2. This Act extends only to Scotland, and to the parts of the sea adjoining Scotland.

Definition 45 and 46 Vict., c. 78.

3. In this act "Herring Fishery (Scotland) Acts" means the Herring Fishery Acts enumerated in Schedule I to the Fishery Board (Scotland) Act, 1882, and includes any enactments amending those acts or any of them.

Use of cran or quarter cran measure.

4. Any person buying, selling, delivering, or receiving fresh herrings in the Scotch herring fishery shall be entitled to use for the purpose thereof the measure known as the cran, or a quarter cran measure, being a measure of such capacity that four times its contents, when filled with herrings, shall be equal to one cran; and such measure shall be made of wood, or of such other material as the Fishery Board for Scotland shall direct, and shall be made and branded or otherwise marked in accordance with any regulations for the time being in force of the Fishery Board for Scotland, which regulations that Board are hereby authorized to make, and from time to time to alter and revoke as they see fit.

These measures, made, branded, or otherwise marked in all respects in conformity with the regulations for the time being in force of the said Board, shall be the only legal measures for use in buying, selling, delivering, or receiving fresh herrings in the Scotch herring fishery; and any person using any box, basket, or other measure not so made, branded, or otherwise marked shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five

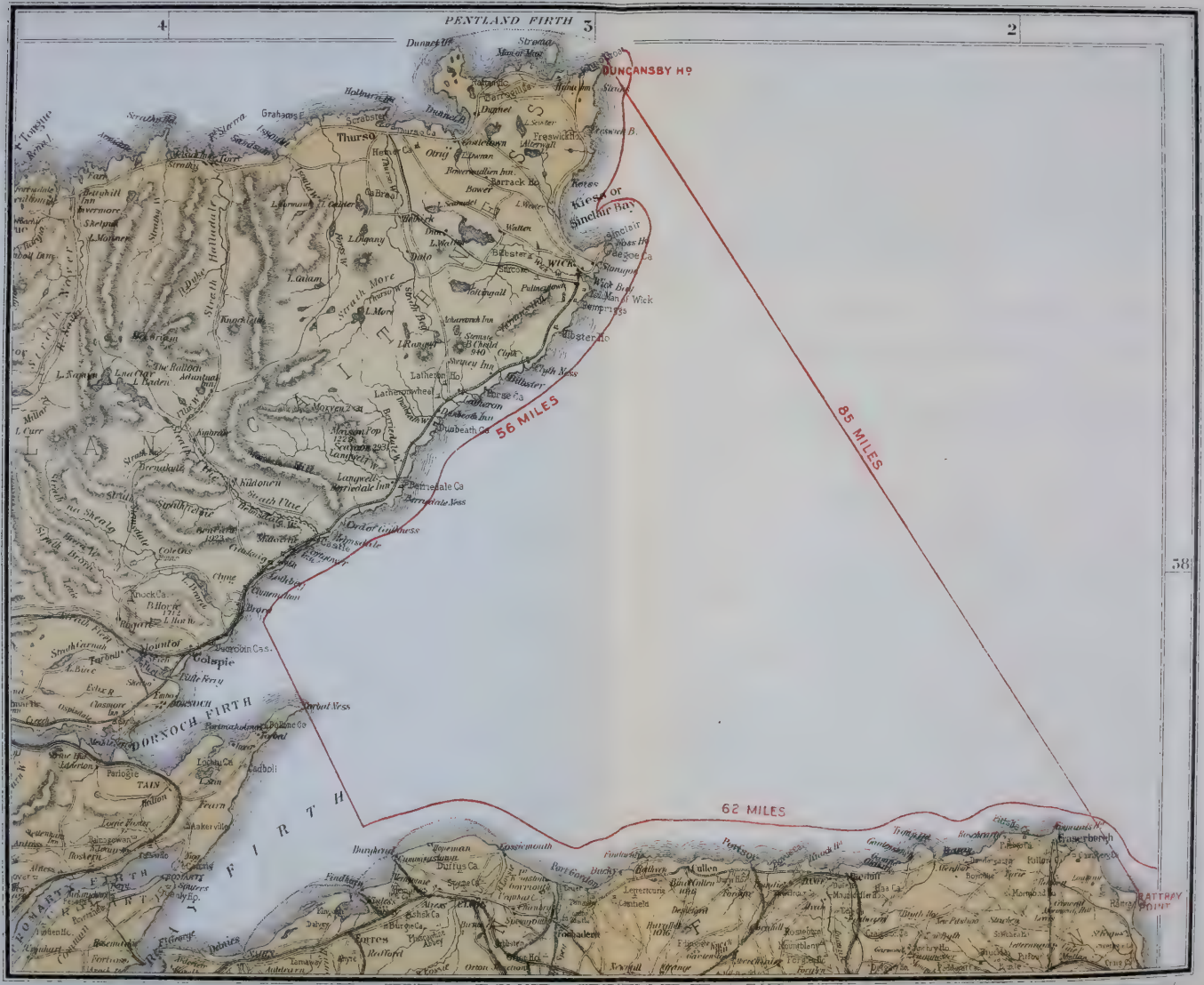
Extract from
CHAPTER 28.

An Act to amend the Herring Fishery (Scotland) Acts; and for other purposes relating thereto.

[26th July 1889.]

7.—(1.) The Fishery board may, by byelaw or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used within a line drawn from Duncansby Head, in Caithness, to Rattray Point, in Aberdeenshire, in any area or areas to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section, but no such byelaw shall be of any validity until it has been confirmed by the Secretary for Scotland.

(2.) Any person who uses any such method of fishing, in contravention of any such byelaw shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to be set, in contravention of any such byelaw, may be seized and destroyed or otherwise disposed of as in the sixth section of this Act mentioned.



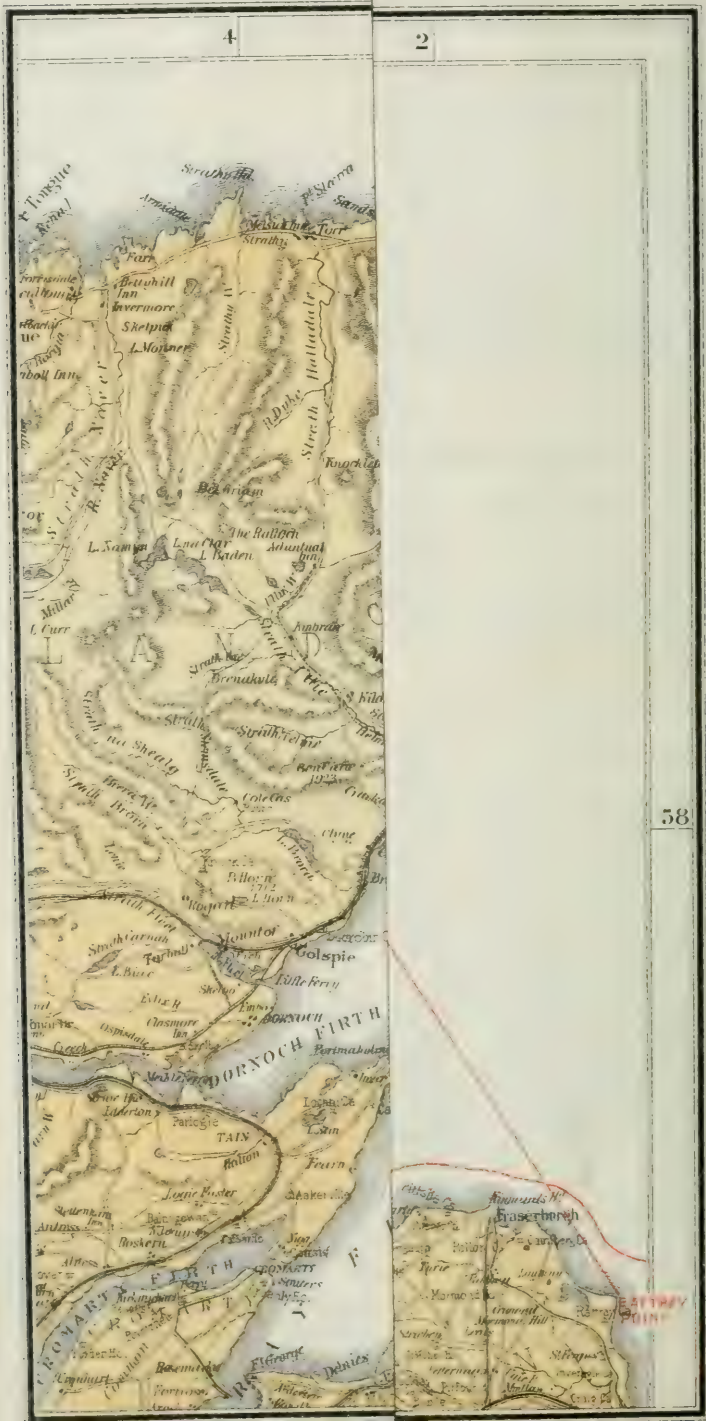
NORTH EASTERN SECTION OF SCOTLAND.

Extract fr

CHAPTER

An Act to amend the Herring Fish
and for other purposes rela

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pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and also to the forfeiture of the measure or measures which may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts: Provided always, that nothing in this Act contained shall prevent the sale of herrings by weight or number or in bulk.

Daylight fishing and Sunday fishing prohibited on west coast.

5. It shall not be lawful to set or shoot any herring net on any day between sunrise and one hour before sunset on any day between the first day of June and the first day of October, nor between sunrise on Saturday morning and one hour before sunset on Monday evening, on the West Coasts of Scotland, between the points of Ardnamurchan on the north and the Mull of Galloway on the south.

Any person acting in contravention of this section shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding, for the first offence, five pounds, and for the second or any subsequent offence, twenty pounds; and every net set or attempted to be set in contravention of this section shall be forfeited and may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery, or other officer employed in the execution of the Herring Fishery (Scotland) Acts.

Beam and otter trawling within certain limits prohibited.

6. (1) It shall not be lawful to use the method of fishing known as beam trawling or otter trawling within three miles of low-water mark of any part of the coast of Scotland nor within the waters specified in the schedule hereto annexed, save only between such points on the coast or within such other defined areas as may from time to time be permitted by by-laws of the Fishery Board for Scotland and subject to any conditions or regulations made by those by-laws; provided that this section shall not apply to the Solway Firth nor to the Pentland Firth; and provided, also, that nothing herein contained shall affect the powers of the fishery board under section four of the Sea Fisheries (Scotland) Amendment Act, 1885.

48 and 49 Vict., c. 70.

(2) The Fishery Board may from time to time make, alter, and revoke by-laws for the purposes of this section, but a by-law shall not be of any validity until it is confirmed by the Secretary for Scotland.

(3) Any person who uses any method of fishing in contravention of this enactment or of any by-law of the Fishery Board, shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set or attempted to be set, in contravention of this section shall be forfeited, and may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officers employed in the execution of the Herring Fishery (Scotland) Acts.

Power to prohibit beam and otter trawling in certain localities.

7. (1) The Fishery Board may, by by-law or by-laws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used within a line drawn from Duncansby Head, in Caithness, to Rattery Point, in Aberdeenshire, in any area or areas to be defined in such by-law, and may from time to time make, alter, and revoke by-laws for the purposes of this section, but no such by-law shall be of any validity until it has been confirmed by the Secretary for Scotland.

(2) Any person who uses any such method of fishing in contravention of any such by law shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds

for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to be set, in contravention of any such by-law may be seized and destroyed or otherwise disposed of as in the sixth section of this Act mentioned.

Fish illegally caught not to be landed or sold.

8. It shall not be lawful to land or to sell in Scotland any fish caught in contravention of this Act, or of any by-law made thereunder, and all superintendents and other officers employed in the execution of the Herring Fishery (Scotland) Acts, are hereby empowered and required to prevent the landing or sale of any fish so caught.

SCHEDULE.

Wigtown Bay, within a line drawn from Great Ross Point, near Little Ross Lighthouse, on the east to Isle of Whithorn on the west.

Luce Bay, within a line drawn from a point near Port William on the east to Killyness Point, near Drummore, on the west.

Loch-in-dail, within a line drawn from Rudhana Cathair (Mull of Oe) on the south to the Rhynns, near Rhynns of Islay Lighthouse, on the north.

Loch Snizort, within a line drawn from Vatternish Point on the west to Dunlea on the east.

Broad Bay, within a line drawn from Tolsta Head on the north to Tiumpan Head on the south.

Stornoway Bay, within a line drawn from Kebock Head on the south to Bayble Head on the north.

Thurso Bay, within a line drawn from Brimsness on the west to Dunnet Head on the east.

Sinclair Bay, within a line drawn from Noss Head on the south to Duncansby Head on the north.

Scapa Bay, within a line drawn from St. Mary's Point on the east to Houton Heads on the west.

St. Magnus Bay, within a line drawn from Esha Ness on the north to a point near Sandness on the south.

The waters inside a line drawn from Corsewall Point, in the county of Wigtown, to the Mull of Cantyre, in the county of Argyll.

The waters inside a line from Port Askadel, near Ardnamurchan Point, on the west to Ru-Cisteach, near Arasaig, on the east.

The waters inside of a line from Ru-geur, Slate Point, on the south to a point near Ru-an-dunan on the north.

The waters inside a line from Ru-na-uag, Loch Torridon, on the south to a point at Long Island, Gareloch, on the north.

The waters outside Loch Tarbert, Harris, from Toe Head on the south to Camus-Huisnish on the north.

East and west Loch Roag, from Gallon Head on the west to Coul Point on the east.

The waters inside a line from Greenstone Point on the west to a point near Meal-Sgreaton, Ru-Cooygach, on the east.

The waters inside a line from Ru-Stoer on the west to a point at Scourie Bay on the east.

Dornoch Firth.
Fraserburgh Bay.
Montrose Bay.
Moray Firth (upper parts of).
Aberdeen Bay.
Saint Andrew's Bay.
Firth of Forth.

All as specified in the existing by-laws of the Fishery Board.

CEYLON PEARL FISHERIES

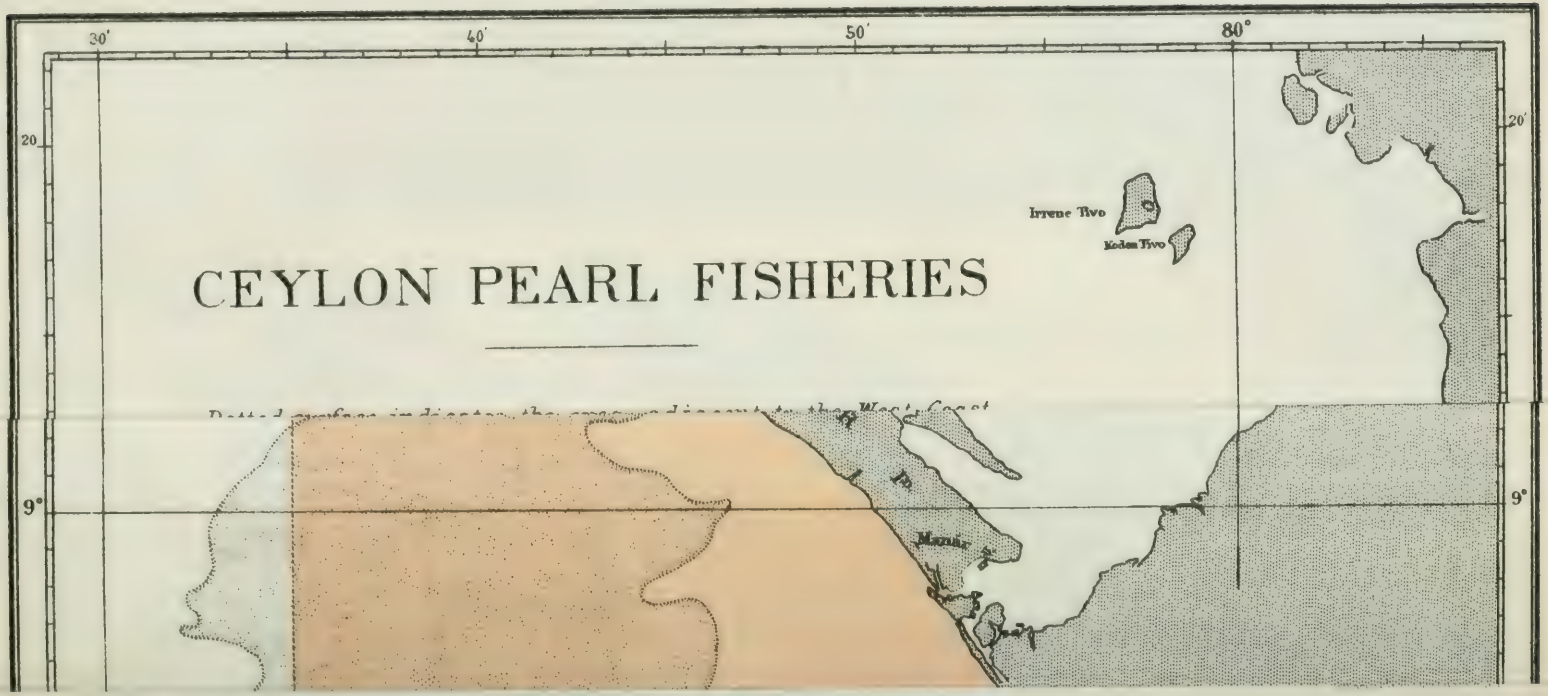
Dotted surface indicates the area adjacent to the West Coast of Ceylon, covered by Regulation No. 3, of 1811, Pearl Fishery.

The area colored red is the area covered by Ordinance No. 18, of 1890.



Prepaird at the Office of the U. S. Coast and Geodetic Survey

T. C. Mendenhall
Superintendent.



CEYLON PEARL FISHERIES

Dotted surface indicates the area adjacent to the West coast

CEYLON.

REGULATIONS AND ORDINANCES OF CEYLON.

Regulation No. 3 of 1811.

FOR THE PROTECTION OF HIS MAJESTY'S PEARL BANKS OF CEYLON.

Whereas there is reason to suspect that depredations are committed in the pearl banks of this Island by boats and other vessels frequenting those places in the calm season without any necessity or lawful cause for being in that situation: Preamble.

For the protection of His Majesty's property and revenue, His Excellency the Governor in Council is pleased hereby to enact and declare:

That if any boat or other vessel shall hereafter, between the 10th of January and the end of April, or between the 1st of October and the end of November in any year, be found within the limits of the pearlbanks, as described in the schedule hereunto annexed, anchoring or hovering and not proceeding to her proper destination as wind and weather may permit, it shall be lawful for any person or persons holding a commission or warrant from His Excellency the Governor for the purposes of this Regulation to enter and seize such boat or other vessel, and carry the same to some convenient port or place in this island for prosecution. And every such boat or other vessel is hereby declared liable to forfeiture by sentence of any court having revenue jurisdiction of sufficient amount, and shall be condemned accordingly; two-thirds thereof to the use of His Majesty and one-third to the persons seizing or prosecuting, unless such boat or other vessel shall have been forced into the situation aforesaid by accident or other necessary cause, the proof whereof to be on the party alleging such defence. Penalty on vessels found within the pearl banks.

Colombo, 9th March, 1811.

By order of the Council.

JAMES GAY,
Secretary to the Council.

By His Excellency's command.

JOHN ROONEY,
Chief Secretary to Government.

SCHEDULE REFERRED TO.

Vessels navigating the inner or alongshore passage are not to hover or anchor in deeper than four fathoms water.

Vessels navigating the outer passage are not to hover or anchor within twelve fathoms water.

No. 4.—1812.

FOR THE PROTECTION OF HER MAJESTY'S RIGHTS IN THE DIGGING FOR DEAD CHANKS.

Whereas it is necessary to make provision for the more effectual protection of the deposits of chanks called "dead chanks" in the Crown lands in the Northern Province: Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance any person who shall dig for dead chanks in any land belonging to the Crown, without the permission in writing of the Penalty for digging for dead chanks without permit.

Government agent or other person duly authorized by him in that behalf, or contrary to the terms of such permit, shall be liable to a penalty, for the first offence not exceeding three pounds, and in default of payment to be imprisoned, with or without hard labour, for a term not exceeding three months; and for the second or any subsequent offence to a penalty not exceeding five pounds, and in default of payment to be imprisoned, with or without hard labour, for a term of five months.

Chanks, where to be stored, and not to be removed without permit.

2. And it is further enacted that the dead chanks obtained by digging in the Crown lands shall, on first being dug up, be taken to and kept only at such stores or places in the immediate neighbourhood of the lands whence the dead chanks were dug up as may be approved of by the Government agent as places for storing said dead chanks, and that they shall not be thereafter removed from such stores or places without the permission in writing of the Government agent, or of some person duly authorised by him on that behalf; and that the taking or removal of dead chanks contrary to the provisions of this clause shall be an offence, and shall be punished by the confiscation of all dead chanks so taken or removed.

Penalty.

Fines, how to be disposed of.

3. And it is further enacted that one-half of all fines hereinbefore directed to be levied and one-half of the produce of all confiscations under this Ordinance, shall go to Our Lady, the Queen, and the other half to the person in consequence of whose information the offender is convicted. Provided always, that in the event of the inability of any defendant to pay any such fine, and sentence of imprisonment being awarded for any such offence, the district judge shall nevertheless pay to such informer the amount to which he would have been entitled if such fine had been paid.

Proviso.

Passed in Council the Fifteenth day of August, One thousand Eight hundred and Forty-two.

KENNETH MACKENZIE,
Acting Clerk to the Council.

Published by order of His Excellency the Governor.

P. ANSTRUTHER,
Colonial Secretary.

No. 5.—1842.

FOR THE PROTECTION OF HER MAJESTY'S CHANK FISHERY.

Preamble.

Whereas it is necessary to make provision for the protection of Her Majesty's Chank Fishery:

Every boat, &c., found fishing for chanks without license to be confiscated

1. It is therefore hereby enacted by the governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance every boat, canoe, raft, or vessel whatsoever which shall be found employed in the fishing for, or in any way for the collection of, chanks, without the written license for its so being employed of the Government agent of the province on the coasts of which it shall be so found, or of some person duly authorized by him to grant such licenses, or contrary to the terms thereof, shall, together with all its appurtenances, be confiscated, and every person found therein shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding one pound, and in default of payment to imprison-

Persons found therein held guilty of an offence and liable to fine or imprisonment.

ment, with or without hard labour, for a period not exceeding one month.

2. And it is further enacted that all persons found fishing for, or otherwise attempting to collect chanks without a license for that purpose from the Government agent of the province on the coast of which they shall be so found, or from some person duly authorised by him to grant such license, or contrary to the terms thereof, shall be guilty of an offence and be liable on conviction thereof to a fine not exceeding one pound, and in default of payment to imprisonment, with or without hard labour, for a period not exceeding one month.

Penalty on persons found fishing for or attempting to collect chanks without license.

3. And it is further enacted that all chanks shall be landed at some place on the coasts of this Colony, within such time after their being fished up or otherwise collected as shall be stipulated in their license, and every person failing so to land any chanks in the fishing or collection of which he shall have been employed shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding one pound, and in default of payment to imprisonment, with or without hard labour, for a period not exceeding one month. And ever person procuring, instigating, or assisting another to commit the said last-mentioned offence shall be liable to the same punishment as a person actually committing it.

Chanks to be landed on the coasts of the colony within a stipulated period.

Penalty.

4. And it is further enacted that the possession of chanks at any place on the coasts of this Island, other than a port of entry, without the permit of the Government agent of the province, or some person authorised by him to grant such permits, or contrary to the terms of any permit for such possession that may have been granted, shall be an offence, and all chanks found so possessed shall be confiscated.

Possession of chanks without permit an offence.

5. And it is further enacted that all headmen, officers of police or customs, and all persons specially appointed for that purpose by the Government agent shall be, and they are hereby, empowered to demand of all persons fishing for or attempting to collect chanks, or having them in their possession, the production of any license or permit required of them by this Ordinance; and in case the same shall not be produced, or, being produced, shall not be deemed satisfactory, to seize and take such persons before the district court, and detain and in safe custody keep any boat, canoe, raft, or vessel employed, or chanks possessed by them unlawfully, until they shall receive the directions of the said court for their disposal; and every person making or inciting any resistance to such officers or other persons in the exercise of their duty shall be liable to imprisonment, with or without hard labor, or fine, or both, at the discretion of the district court.

Officers empowered to demand the production of license.

Persons resisting such officers or inciting resistance liable to fine and imprisonment.

6. And it is further enacted that no dredge or other apparatus for the purpose of collecting chanks shall be used; and that any such apparatus that may be found on board any boat, canoe, raft, or vessel shall, together with such boat, canoe, raft, or vessel be confiscated and the tindal and crew of such boat, canoe, raft, or vessel shall be liable to imprisonment at hard labour for a period not exceeding three months.

Penalty for using a dredge or apparatus of a like nature.

7. And it is further enacted that one half of all fines recovered, and one half of the produce of all confiscations made under this Ordinance shall go to Our Lady, the Queen, and the other half to the person in consequence of whose

Fines, how to be disposed of.

information the offender is convicted. Provided, always, that in the event of the inability of any defendant to pay the fines above directed, and sentence of imprisonment being awarded in consequence thereof, the agent of the province shall nevertheless pay to such informer the amount to which he would have been entitled if such fine had been paid.

Proviso.

Passed in Council the Twenty-ninth day of August, One thousand Eight hundred and Forty-two.

KENNETH MACKENZIE,
Acting Clerk to the Council.

Published by order of His Excellency the Governor.

P. ANSTRUTHER,
Colonial Secretary.

No. 18.—1843.

AN ORDINANCE TO DECLARE ILLEGAL THE POSSESSION OF CERTAIN NETS AND INSTRUMENTS WITHIN CERTAIN LIMITS.

C. CAMPBELL.

Whereas it is expedient to prohibit the possession within certain limits of certain nets and instruments which might otherwise be used to the detriment of Her Majesty's pearl banks:

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance the possession on land of any drifting net or other net not being such as are used by men walking in the sea, or of any dredge or similar instrument, at any place within twelve miles of Tallaville or Talmanar, or at any place within twelve miles of any part of the shore at low water mark between Tallaville and Talmanar, shall be unlawful, and every such net, dredge, or instrument that shall at any time be found within such limits shall be forfeited, and every person who shall at any time have had any such net, dredge, or instrument in his possession, or shall have moved or concealed or assisted in or procured the movement or concealment of any such net, dredge, or instrument within such limits, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding ten pounds, or to imprisonment with or without hard labour for any period not exceeding six months.

Possession of certain nets, dredges, and other instruments within certain limits illegal.

Penalty.

2. And it is further enacted that it shall be lawful for every officer of the Customs and every peace officer to search any house or premises within any such limits as aforesaid where he shall have good reason to believe any such net, dredge, or instrument as aforesaid to be kept or concealed, and to take the same into his charge, and to seize and take every person offending against this Ordinance before any competent court or justice of the peace, to be dealt with according to law.

Peace officers may make search for nets, &c., and seize offenders.

Passed in Council the Thirtieth day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,
Acting Clerk to the Council.

Published by order of His Excellency the Governor.

P. ANSTRUTHER,
Colonial Secretary.

No. 18.—1890.

AN ORDINANCE RELATING TO CHANKS.

A. E. HAVELOCK.

Preamble. Whereas it is expedient to amend the Laws relating to Chanks and to prohibit the diving for and collecting of Chanks, Béche-de-mer, Coral, or Shells in the seas between Mannár and Chilaw: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and date of operation. 1. This ordinance may be cited for all purposes as "The Chanks Ordinance, 1890," and it shall come into operation at such time as the Governor in Executive Council shall, by proclamation in the *Government Gazette*, appoint.

Repeal. 2. The Ordinance No. 4 of 1842, intituled "An Ordinance for the protection of Her Majesty's rights in the digging for Dead Chanks," and the Ordinance No. 5 of 1842, intituled "An Ordinance for the protection of Her Majesty's Chank Fishery," are hereby repealed, but such repeal shall not affect the past operation of either of the said enactments, or anything duly done or suffered, or any obligation, or liability, or penalty accrued or incurred under them or either of them.

Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

Definitions. 3. In this Ordinance, unless the context otherwise requires—

"Chanks" includes both live and dead chanks.

"Person" includes any company or association or body of persons whether incorporated or not.

Duty on chanks. 4. (1) There shall be levied and paid on all chanks entered for exportation a royalty at such rates not exceeding one cent on each chank, as the Governor, with the advice of the Executive Council, shall, from time to time by notification in the *Government Gazette*, appoint.

Ports of entry. (2) No chanks shall be exported save and except from any port mentioned in the schedule A hereto, or from any other port which the Governor in Executive Council may appoint by notification in the *Government Gazette*.

Bill of entry. 5. (1) The person entering outwards any chanks to be exported from any port shall deliver to the collector a bill of the entry thereof, expressing the name of the ship and of the master, and of the place to which the chanks are to be exported, and of the person in whose name the chanks are to be entered, together with the number and value thereof, anything in the Ordinance No. 17 of 1869 to the contrary notwithstanding, and shall at the same time pay to the collector any sum which may be due as royalty upon the exportation of such chanks.

Collector's warrant. (2) Such person shall also deliver at the same time one or more copies of such entry, and the particulars to be contained in such entry shall be written and arranged in such form and manner, and the number of such copies shall be such as the collector shall require, and such entry being duly signed by the

collector shall be the warrant for examination and shipment of such chanks.

Penalty for exporting contrary to the Ordinance.

6. Every person who shall export chanks from this Island, except from any port mentioned in Schedule A, or from any port appointed by the Governor in Executive Council under section 4, or contrary to the requirements of section 5, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both.

Chanks laden before entry liable to be forfeited.

7. If any chanks subject to the payment of any sums due as royalty in respect of exportation shall be laden or water-borne to be laden on board any ship before due entry shall have been made and warrant granted, or before such chanks shall have been duly cleared for shipment, or if such chanks shall not agree with the bill of entry, the same shall be liable to forfeiture together with the package in which they are contained.

Use of dredge in collecting chanks prohibited

8. It shall not be lawful for any person to use any dredge or other apparatus of a like nature for the purpose of fishing for or collecting chanks, and every person using any dredge or other apparatus of a like nature for such purpose shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every dredge or apparatus of a like nature so used as aforesaid shall be forfeited.

Penalties.

Collection of chanks, bêche-de-mer, coral, or shells in the seas between Mannár and Chilaw prohibited.

9. It shall not be lawful for any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells in the seas within the limits defined in Schedule B hereto, and every person who shall fish for, dive for, or collect, or who shall use or employ any boat, canoe, raft, or vessel in the collection of chanks, bêche-de-mer, coral, or shells in the said seas, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every boat, canoe, raft, or vessel so employed as aforesaid, together with all chanks, bêche-de-mer, coral, or shells unlawfully collected, shall be forfeited.

Penalties.

Proviso.

Provided, that nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less.

Proviso.

Provided also that it shall be lawful for the Governor in Executive Council from time to time or at any time, by notification in the *Government Gazette*, to alter the limits defined in Schedule B hereto, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance.

Chanks, &c., liable to forfeiture may be seized and detained at the nearest custom-house.

10. (1) Any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the government agent of the province or the assistant government agent of the district within which such seizure is made, and when seized shall be conveyed to the custom-house nearest to the place of seizure and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

(2) If any such officer, headman, or person shall neglect to have any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized by him conveyed to such custom-house within a reasonable time, he shall be guilty of an offence and liable to a fine of one hundred rupees.

Penalty on seizing officer neglecting to convey seizure to custom-house within a reasonable time.

11. (1) Every prosecution under this ordinance may be instituted in the police court of the division in which the offence was committed or where the offender is found, and such court may by its order declare and adjudge any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized and detained under this Ordinance to be forfeited, and such forfeiture may be in addition to any other punishment hereinbefore prescribed, anything in the Criminal Procedure Code to the contrary notwithstanding.

Police court to have jurisdiction.

(2) All forfeitures may be sold or otherwise disposed of in such manner as the police court may direct.

12. It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realised.

Informer's share.

SCHEDULE A.

Kankésanturai	Jaffna
Kayts	Pesálai

SCHEDULE B.

Eastward of a straight line drawn from a point six miles westward of Talaimannar to a point six miles westward from the shore two miles south of Talaivilla.

Passed in Council the Nineteenth day of November, One thousand Eight hundred and Ninety.

H. L. CRAWFORD,
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-fifth day of November, One thousand Eight hundred and Ninety.

E. NOEL WALKER,
Colonial Secretary.

AUSTRALIA.

AN ACT to regulate the Pearl Shell and Bêche-de-mer Fisheries in Australasian Waters adjacent to the Colony of Queensland.

[Reserved, 20th January, 1888; Queen's assent proclaimed 19th July, 1888.]

51 Vic. No. 1. The Queensland Pearl Shell and Bêche-de-mer Fisheries (Extra-territorial). Act of 1888.

WHEREAS by certain Acts of the Parliament of the Colony of Queensland provision has been made for regulating the Pearl Shell and Bêche-de-mer Fisheries in the territorial waters of that Colony; And whereas, by reason of the geographical position of many of the Islands forming a portion of that Colony, vessels employed in such Fisheries are, in the prosecution of their business, sometimes within and sometimes beyond the territorial jurisdiction of Queensland: And whereas it is expedient that the provisions of the

Preamble.

said Acts should extend and apply to such vessels during all the time during which they are so employed, and that for that purpose the provisions of said Acts, so far as they are applicable to extra-territorial waters, should be extended to such waters by an Act of the Federal Council of Australasia:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Federal Council of Australasia, assembled at Hobart, in the Colony of Tasmania, and by the authority of the same, as follows:

Short title and commencement.

1. This act may be cited as "The Queensland Pearl Shell and Beche-de-mer Fisheries (Extra territorial) Act of 1888," and shall commence and take effect on and from the date of Her Majesty's assent thereto being proclaimed in Queensland.

Interpretation. 45 Vic., No. 2 (Queensland), s. 1.

2. In this Act the following terms shall, unless the context otherwise indicates, have the meanings set against them respectively; that is to say—

"Australasian waters adjacent to Queensland." (Schedule.)

"Australasian waters adjacent to Queensland." All Australasian waters within the limits described in the Schedule to this Act, exclusive of waters within the territorial jurisdiction of the Colony of Queensland;

* * * * * * *

NOTE.—The Sections of this Act which are omitted contain further definitions of terms, and minute provisions as to licenses, contracts with seamen, the payment of wages, the reporting of deaths and desertions, and the legal process for the enforcement of the Act.

* * * * * * *

Limitation of act.

19. This act applies only to British ships, and boats attached to British ships.

THE SCHEDULE.

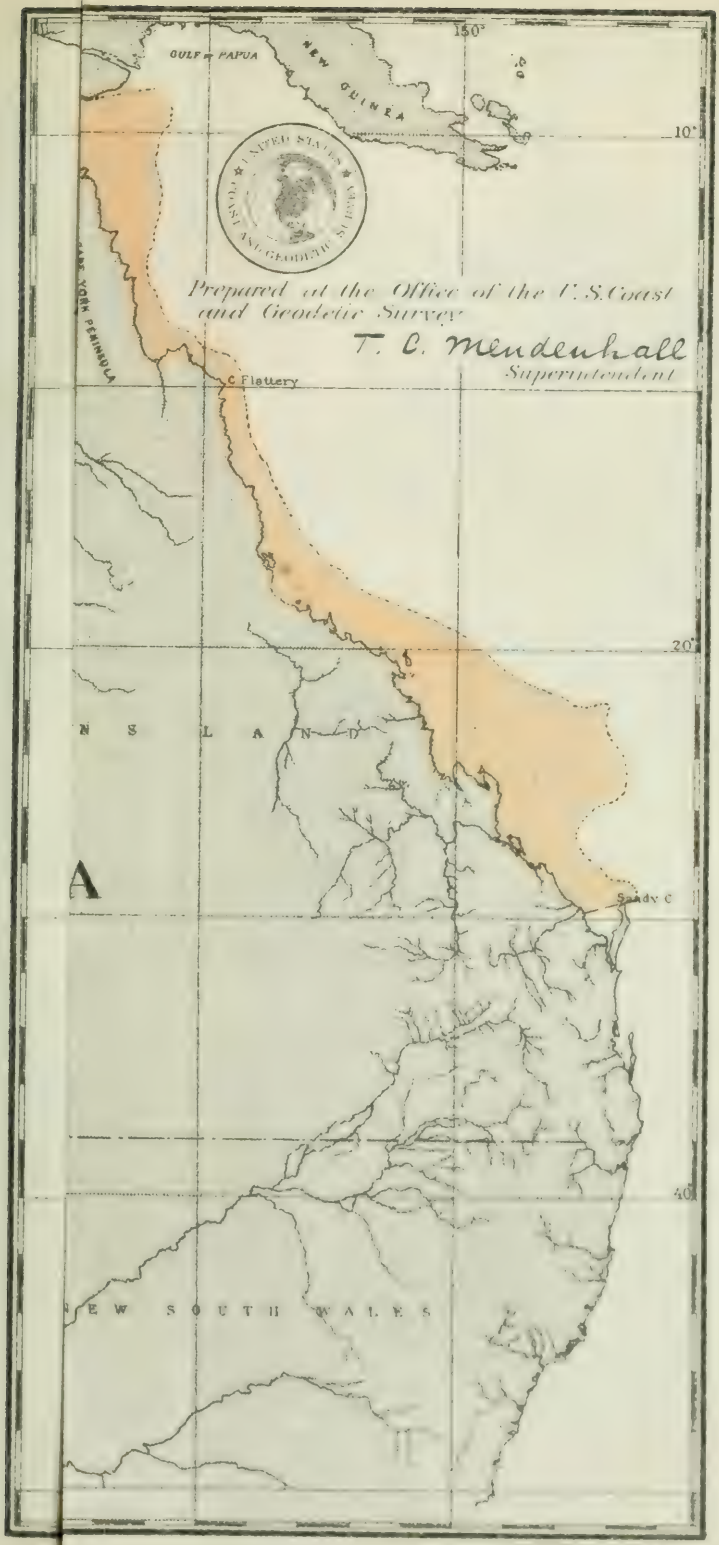
All waters included within a line drawn from Sandy Cape northward to the southeastern limit of the Great Barrier Reefs, thence following the line of the Great Barrier Reefs to their northeastern extremity near the latitude of nine and a half degrees south; thence in a north-westerly direction, embracing East Anchor and Bramble Cays, thence from Bramble Cays in a line west by south (south seventy-nine degrees west) true, embracing Warrior Reef, Saibai and Tuan Islands, thence diverging in a north-westerly direction so as to embrace the group known as the Talbot Islands, thence to and embracing the Deliverance Islands and onward, in a west by south direction (true) to the meridian of one hundred and thirty eight degrees of east longtitude, and thence by the meridian southerly to the shore of Queensland.

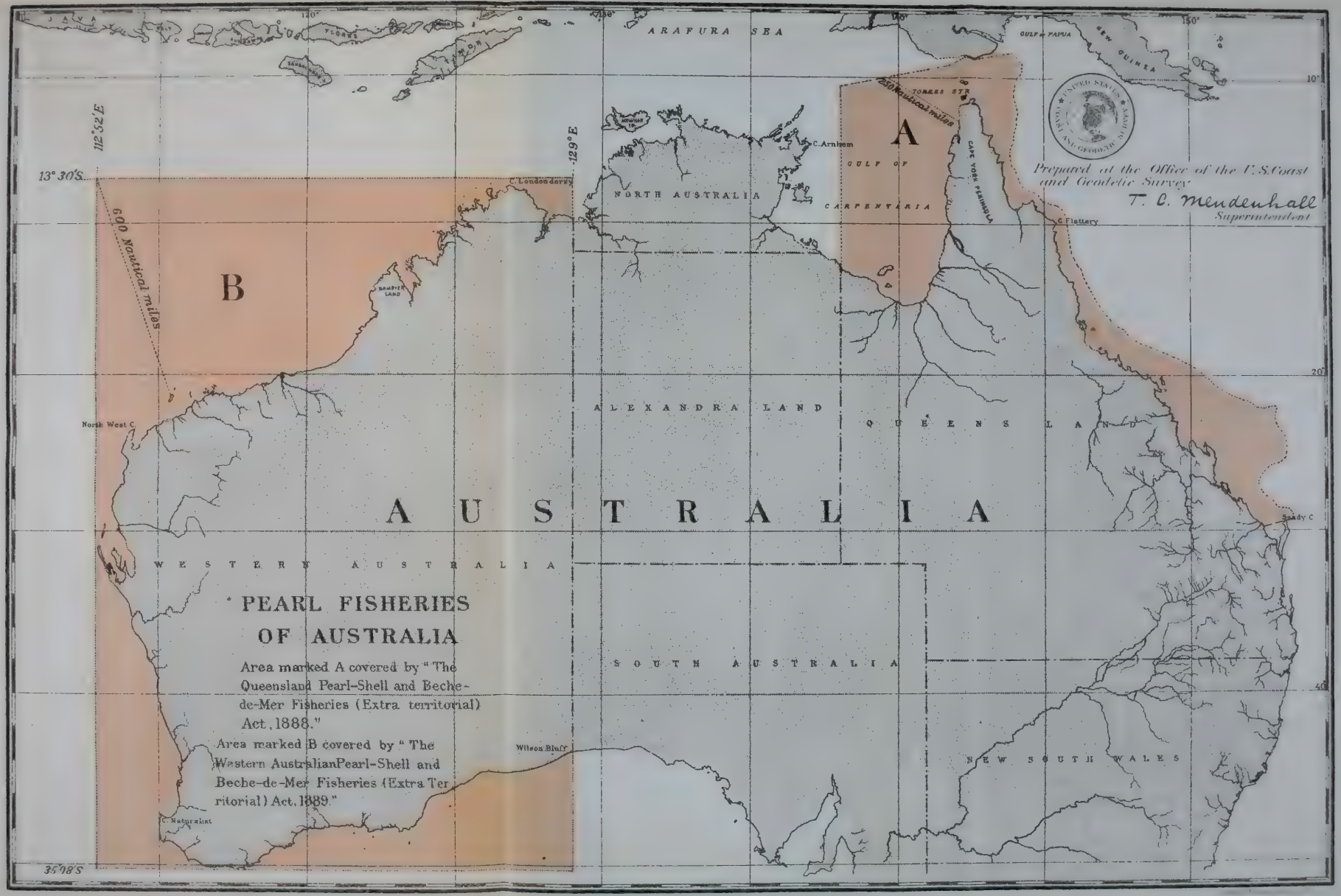
AN ACT to regulate the Pearl-Shell and Beche-de-mer Fisheries in Australasian Waters adjacent to the Colony of Western Australia.

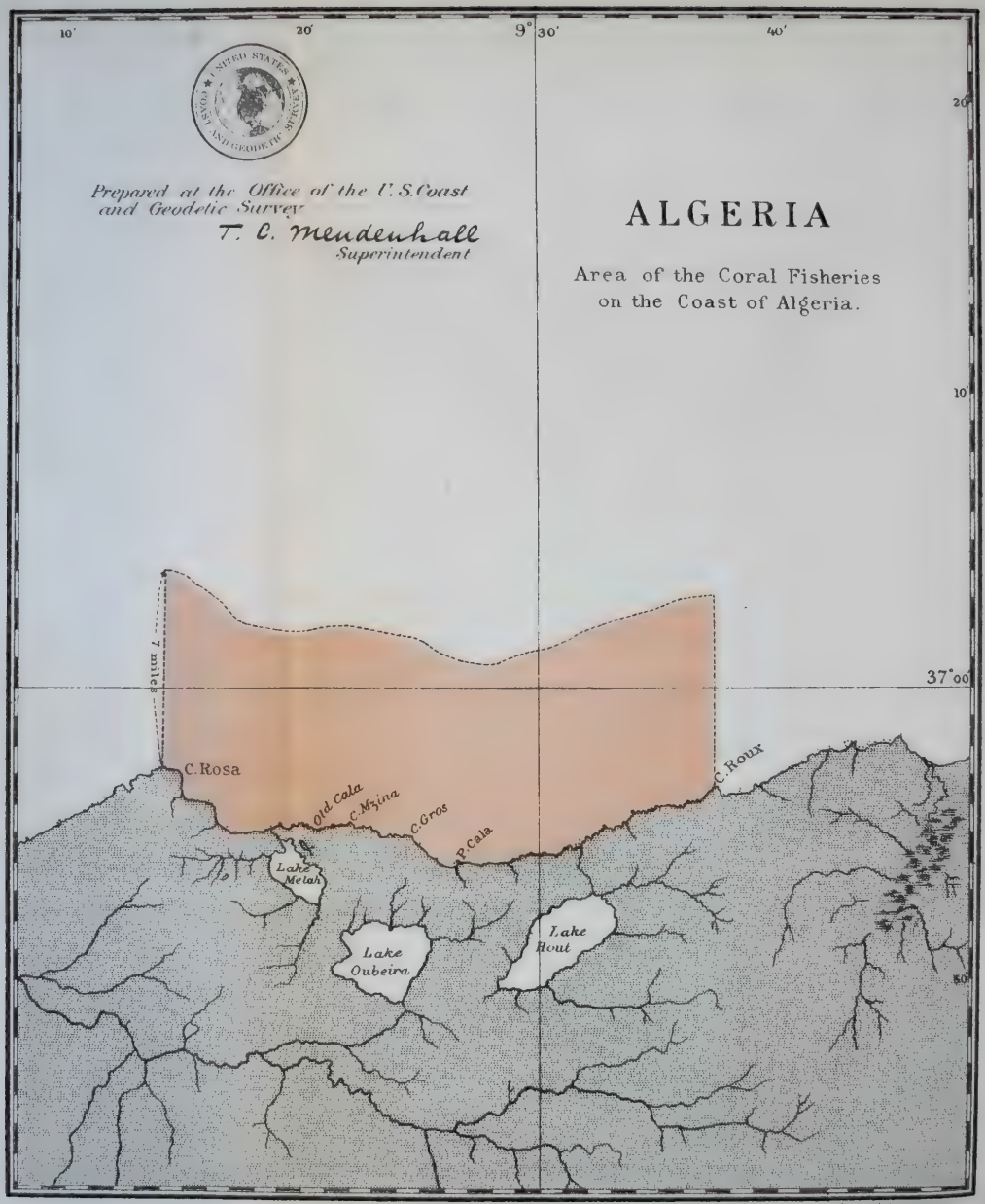
[Reserved 4th February, 1889; Queen's assent proclaimed 18th January, 1890.]

52 Vict. The Western Australia Pearl Shell and Beche-de-mer Fisheries (Extra-territorial) act of 1889. Preamble.

WHEREAS by certain Acts of the Legislative Council of Western Australia provision has been made for regulating the Pearl-shell Fishery in the territorial waters of that Colony; And whereas vessels employed in such Fishery are, in the prosecution of their business, sometimes within and sometimes beyond the territorial jurisdiction of Western Australia; And whereas it is expedient that the provisions of the said Acts should extend and apply to such vessels during all the time during which they are so employed, and that for that purpose the provisions of the said Acts, so far as they are applicable to extra territorial waters, should be extended to such waters by an Act of the Federal Council of Australasia;


150°
GULF OF PAPUA
NEW GUINEA
10°
UNITED STATES COAST AND GEODETIC SURVEY
Prepared at the Office of the U.S. Coast and Geodetic Survey
T. C. Mendenhall
Superintendent
CAPE YORK PENINSULA
C Flattery
20°
N S L A N D
A
Sandy C
40°
NEW SOUTH WALES


ARAFURA SEA
JAVA
TIMOR
ARU Is.
GULF of PAPUA
NEW GUINEA
TORRES STR.
250 Nautical miles
A
B
600 Nautical miles
112°32'E
129°E
13°30'S
C. Arnhem
GULF OF CARPENTARIA
CAPE YORK PENINSULA
NORTH AUSTRALIA
C. Londonderry
C. Flattery
BAMPTON I.
ALEXANDRA LAND
QUEENSLAND
North West C.
AUSTRALIA
WESTERN AUSTRALIA
SOUTH AUSTRALIA
NEW SOUTH WALES
Wilson Bluff
C. Naturaliste
Sandy C.
35°08'S
PEARL FISHERIES OF AUSTRALIA
Area marked A covered by "The Queensland Pearl-Shell and Beche-de-Mer Fisheries (Extra territorial) Act, 1888."
Area marked B covered by "The Western Australian Pearl-Shell and Beche-de-Mer Fisheries (Extra Territorial) Act, 1889."
Prepared at the Office of the U.S. Coast and Geodetic Survey
T. C. Mendenhall
Superintendent



Prepared at the Office of the U. S. Coast and Geodetic Survey

T. C. Mendenhall
Superintendent

ALGERIA

Area of the Coral Fisheries on the Coast of Algeria.


40'
20'
ERIA
Coral Fisheries
st of Algeria.
10'
37°00
C. Roux
50'

And whereas it is desirable that the provisions of the said Acts should apply to persons and vessels engaged in the Beche-de-mer Fishery in like manner as to the Pearl-shell Fishery:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Federal Council of Australasia, assembled at Hobart, in the colony of Tasmania, and by the authority of the same, as follows:

1. This Act may be cited as "The Western Australian Pearl-shell and Beche-de-mer Fisheries (Extra-territorial) Act of 1889," and shall take effect on and from the date of Her Majesty's assent thereto being proclaimed in Western Australia. Short title and commencement.

2. This Act applies only to British ships and boats attached to British ships. Limitation of act.

3. In this Act the following terms shall, unless the context otherwise indicates, have the meanings set against them respectively; that is, to say: Interpretations.

"Australasian Waters adjacent to Western Australia." All Australasian waters within the limits described in the schedule to this Act, exclusive of waters within the territorial jurisdiction of the colony of Western Australia:

* * * * * * *

NOTE.—The sections of this act which are omitted contain further definitions of terms, and minute provisions as to licenses, the employment and discharge of seamen, and the legal process for the enforcement of the act.

* * * * * * *

SCHEDULE.

A parallelogram of which the Northwestern corner is in longitude 112° 52′ East, and latitude 13° 30′ South, of which the Northeastern corner is in longitude 129° East and latitude 13° 30′ south, of which the Southwestern corner is in longitude 112° 52′ East, and latitude 35° 8′ South, and of which the Southeastern corner is in longitude 129° East, and latitude 35° 8′ South.

FRANCE.

DECRÉT DU DIX MAI, 1862.

ART. 2. Sur la demande des prud'hommes des pêcheurs, de leurs délégués, et, à défaut, des syndics des gens de mer, certaines pêches peuvent être temporairement interdites sur une étendue de mer au delà de trois milles du littoral, si cette mesure est commandée par l'intérêt de la conservation des fonds ou de la pêche de poissons de passage.

DECREE OF MAY 10, 1862, BY THE GOVERNMENT OF FRANCE.

[Translation.]

ARTICLE II.

Upon the request of the expert fishermen, of their representatives, or, for the want of them, of the syndicates (organizations) of sea faring men, certain fisheries may be temporarily forbidden over an extent of sea situated beyond three miles from the shore, if such measure is required in the interest of the preservation of the bed of the sea or of a fishery composed of migratory fishes.

ITALY.

STATUTES AND DECREES.

[From "Codice per la Marina Mercantile del Regno d' Italia, promulgato con R. Decreto 25 giugno 1865, n. 2360, in base alla Legge per l' unificazione giudiziaria in data 2 aprile 1865, n. 2215. Milano * * * 1865."]

* * * * * * *

142. La pesca del corallo nei mari dello Stato sarà sott'oposta al pagamento di un' annua somma da stabilirsi con decreto reale.

Le navi estere, le quali non sieno per trattati ammesse a pescare alle stesse; condizioni delle nazionali, pagheranno il doppio del canone da stabilirsi come sopra.

LEGGE CHE REGOLA LA PESCA NELLE ACQUE DEL DEMANIO PUBBLICO, E NEL MARE TERRITORIALE.

[N. 3706 (Serie 2ª), del 4 marzo 1877.]

* * * * * * *

TITOLO I.

Disposizioni generali.

ART. 1. La presente legge regola la pesca nelle acque del demanio pubblico e nel mare territoriale.

* * * * * * *

Rimangono inalterate le disposizioni contenute nel Codice della marina mercantile e in altre leggi sulla polizia delle acque e della navigazione, sul trattamento da usarsi verso gli stranieri e sulle concessioni di pertinenze del demanio pubblico e di mare territoriale.

ART. 2. I regolamenti per la esecuzione di questa legge e le successive loro modificazioni saranno approvati per decreto Reale sopra proposta del Ministro di agricoltura, industria e commercio, previo il parere dei Consigli provinciali, delle Camere di commercio e dei capitani di porto, nelle cui circoscrizioni le disposizioni regolamentari dovranno essere applicate, e previo il parere del Consiglio superiore dei lavori pubblici e del Consiglio di Stato.

Essi determineranno:

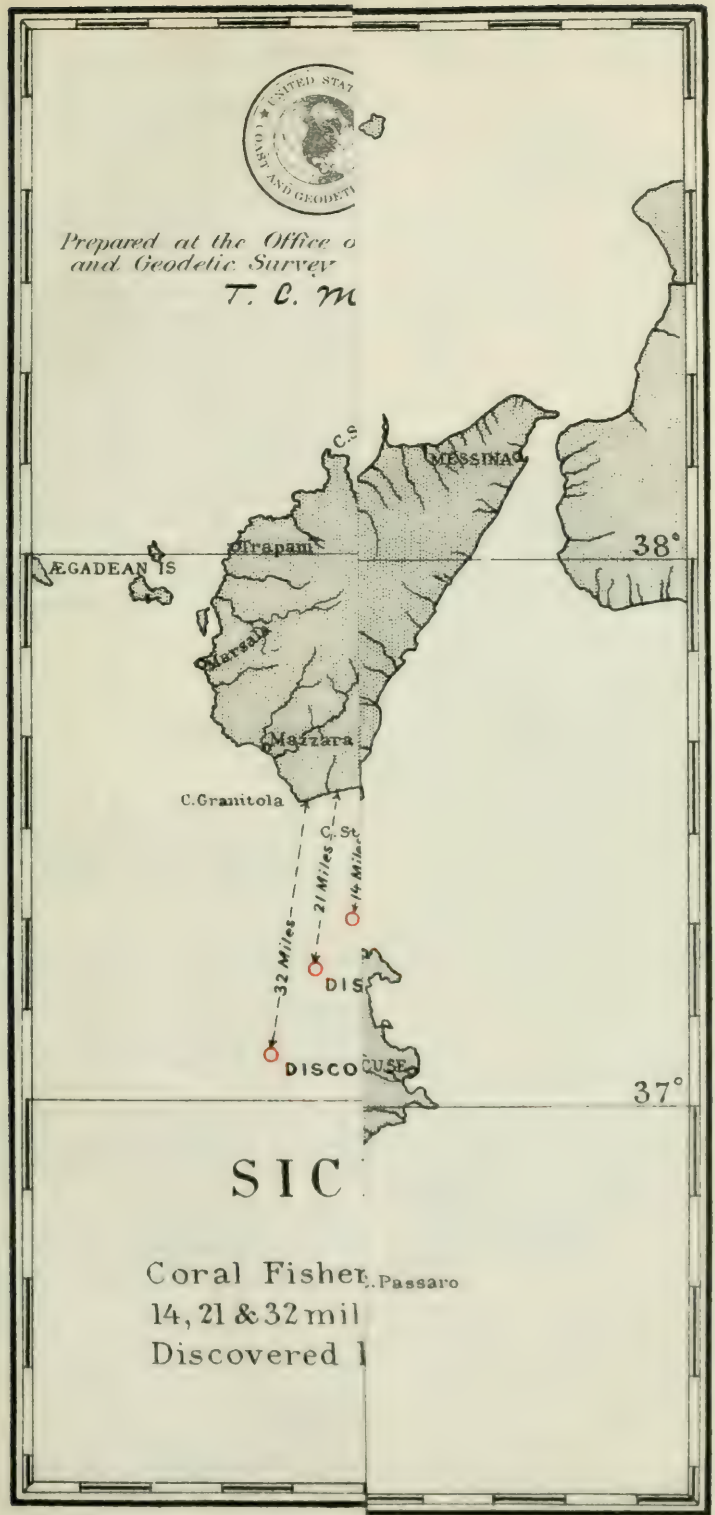
1. I limiti entro i quali avranno vigore le norme riguardanti la pesca marittima e quelle riguardanti la pesca fluviale e lacuale nei luoghi ove le acque dolci sono in comunicazione con quelle salate;

2. Le discipline e le proibizioni necessarie per conservare le specie dei pesci e degli animali acquatici e relative ai luoghi, ai tempi ai modi, agli strumenti della pesca, al loro commercio e a quello dei prodotti della pesca e al regime delle acque;

3. I limiti di distanza dalla spiaggia o di profondità di acque, in cui saranno applicate le discipline riguardanti la pesca marittima, che specialmente mirano a tutelare la conservazione delle specie;

4. Le distanze e le altre norme che i terzi debbano osservare nell' esercizio della pesca in genere, o di certe pescagioni speciali, rispetto alle foci dei fiumi, alle tonnare, alle mugginare, alle valli salse ed agli stabilimenti di allevamento dei pesci e degli altri viventi delle acque;

5. Le prescrizioni di polizia necessarie per garantire il mantenimento


Prepared at the Office o
and Geodetic Survey
T. C. M
C.S
MESSINA
38°
ÆGADEAN IS
Trapani
Marsala
Mazzara
C.Granitola
32 Miles
21 Miles
14 Miles
DISC
DISCO
37°
SIC
Coral Fisher
14, 21 & 32 mil
Discovered
C. Passaro



SICILY

Coral Fisheries of Sicily.
14, 21 & 32 miles from shore.
Discovered 1875, '78 & '80.

dell' ordine e la sicurezza delle persone e della proprietà nell' esercizio della pesca;

6. Tutte le altre norme e sanzioni riservate espressamente da questa legge ai regolamenti.

* * * * * * *

ART. 7. Potranno essere concessi, per durata non maggiore di 99 anni tratti di spiaggia, di acque demaniali e di mare territoriale a coloro che intendano intraprendere allevamenti di pesci e di altri animali acquatici, non che coltivazioni di coralli e spugne. Tali concessioni saranno subordinate alle condizioni richieste dagli interessi generali; ed inoltre a quelle necessarie ad assicurare l' effettuazione ed il costante esercizio delle intraprese per cui le concessioni saranno state accordate.

ART. 8. È abolita le tassa speciale sulla pesca del corallo, stabilita dalla prima parte dell' art. 142 del Codice della marina mercantile.

ART. 9. Le discipline sui modi e tempi della pesca del corallo sarrano stabilite in appositi regolamenti.

ART. 10. Lo scopritore di un banco di corallo nelle acque dello Stato, facendone la denunzia nei modi prescritti dai regolamenti e curandone la coltivazione, avrà il diritto esclusivo di sfruttarlo fino al termine delle due stagioni successive a quella in cui sarrà avvenuta la scoperta. I regolamenti indicheranno come e in quali casi questo diritto esclusivo possa essere prolungato.

* * * * * * *

TITOLO III.

Delle infrazioni delle pene e dei giudizi.

* * * * * * *

ART. 18. I regolamenti per l' esecuzione della presente legge potranno stabilire pene pecuniarie sino a lire 50, e, per quanto riguarda le disposizioni sulle tonnare e sulla pesca del corallo, sino a lire 500, salve le particolari sanzioni penali portate da altri articoli del presente titolo.

ART. 19. Se vi è stata recidiva entro l' anno, le pene stabilite dagli articoli precedenti dovranno aumentarsi senza però che arrivino al doppio.

La seconda recidiva, commessa non oltre un anno dopo la prima, sarà punita eziandio colla sospensione dall' esercizio della pesca per un tempo non minore di quindici giorni, nè maggiore di un mese.

* * * * * * *

ART. 21. Alle infrazioni alla presente legge, riguardanti la pesca marittima, sono applicabili le norme di competenza e di procedura stabilite pei reati marittimi dal Codice della marina mercantile.

* * * * * * *

ART. 23. Salve le disposizioni contenute nella presente legge, saranno applicabili alle infrazioni le norme generali del Codice penale, quelle del Codice di procedura penale e l'art. 414 del Codice della marina mercantile.

* * * * * * *

TITOLO IV.

Disposizioni transitorie.

ART. 24. Le disposizioni finora vigenti sulle materie della presente legge cesseranno di avere vigore di mano in mano che verranno pub-

blicati i regolamenti per la esecuzione della legge medesima, e non più tardi di due anni dalla pubblicazione di essa.

* * * * * * *

Data a Roma addì 4 marzo 1877.

VITTORIO EMANUELE,
Majorana-Calatabiana.

REGOLAMENTO PER L' APPLICAZIONE DELLA LEGGE 4 MARZO 1877, N. 3706, SERIE 2ª, SULLA PESCA, NELLA PARTE RIGUARDANTE LA PESCA MARITTIMA, APPROVATO CON REALE DECRETO DEL 13 NOVEMBRE 1882, N. 1090.

TITOLO I.

Disposizioni generali.

ART. I. La pesca marittima è disciplinata dalla legge 4 marzo 1877, nº. 3706, serie 2ª, e dal presente regolamento.

* * * * * * *

TITOLO II.

Disposizioni relative alla pesca dei pesci in generale.

CAPO I.

Mezzi e istrumenti adoperati per la pesca.

ART. 16. Dal 1º dicembre di ciascun anno al 1º maggio dell' anno successivo è vietata la pesca con reti ed altri apparecchi a strascico, tirati da galeggianti, nelle acque del mare sino a tre chilometri da qualsiasi punto della costa o dal lido. È del pari vietata, nelle stesso periodo di tempo, la detta pesca, oltre tale limite, a profondità minore di otto metri.

* * * * * * *

ART. 20. Durante l' esercizio delle tonnare è proibito ai terzi di esercitare qualsiasi specie di pesca, compresa quella del corallo, e di accendere fuochi ad una distanza minore di cinque chilometri sopra vento, ed un chilometro sotto vento delle tonnare medesime, salvi i maggiori diritti che potessero competere ai proprietari di queste in forza di concessioni antecedenti all' entrata in vigore del presente regolamento.

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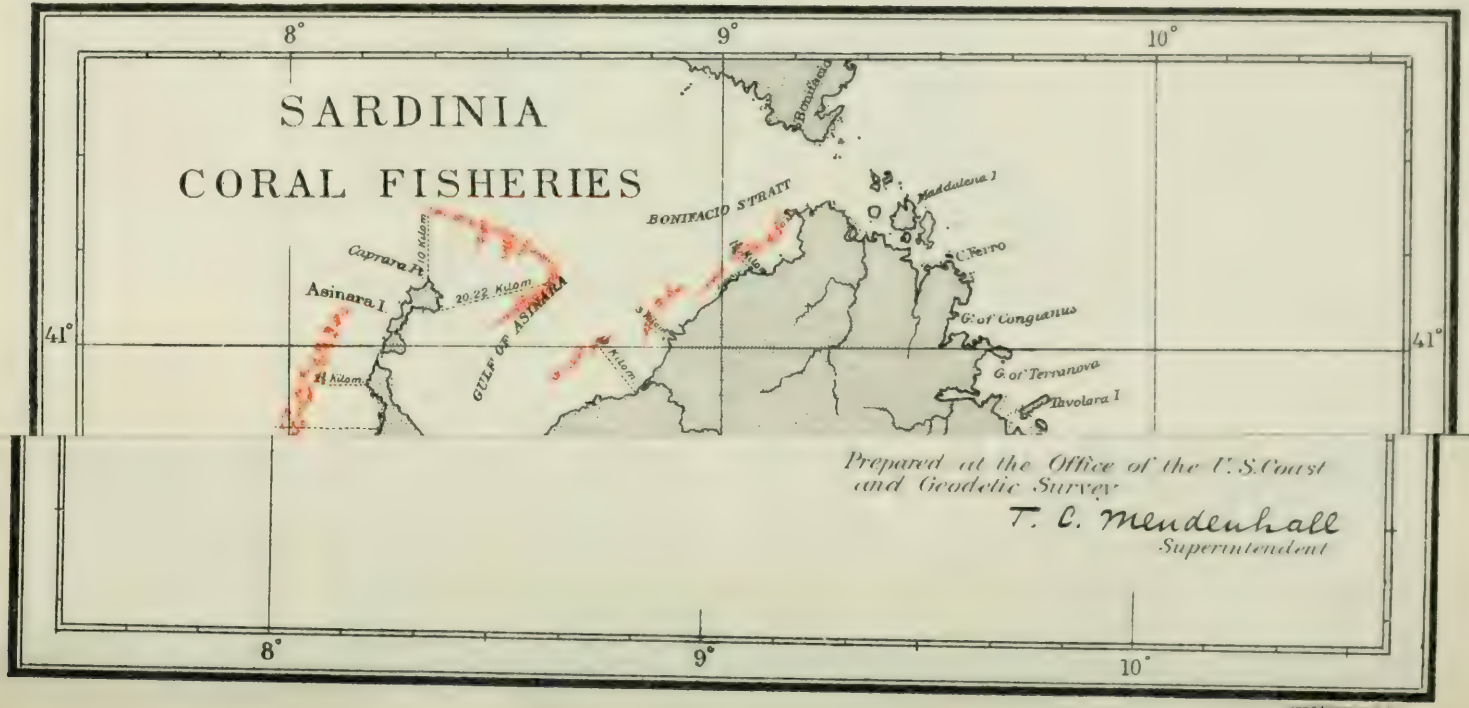
CAPO III.

Pesca del corallo.

ART. 26. Nel mare territoriale la pesca del corallo può effettuarsi in tutti i tempi dell' anno, salve le restrizioni sancite dal presente regolamento.

ART. 27. Chiunque intenda armare una o più barche e adoperarle alla scoperta di banchi di corallo, dovrà, agli effetti dell 'articolo 29, comma 2º, del presente regolamento, farne dichiarazione scritta alla autorità marittima del luogo in cui eseguisca l'armamento, od a quella del luogo in cui intenda attuare le esplorazioni.

La detta autorità prenderà nota di tale dichiarazione in *apposito*


SARDINIA
CORAL FISHERIES
8°
9°
10°
41°
Bonifacio
Maddalena I.
BONIFACIO STRAIT
C. Ferro
G. of Conguanus
G. of Terranova
Tavolara I.
Capraira Pt.
10 Kilom.
Asinara I.
20.22 Kilom.
GULF OF ASINARA
3 Miles
Kilom.
Kilom.
Prepared at the Office of the U.S. Coast and Geodetic Survey
T. C. Mendenhall
Superintendent


SARDINIA
CORAL FISHERIES
8°
9°
10°
41°
40°
39°
BONIFACIO STRAIT
Maddalena I.
C. Ferro
G. of Congianus
G. of Terranova
Tavolara I.
Asinara I.
GULF OF ASINARA
C. Argentiera
C. Caccia
Alghero
C. Comino
C. Marargiu
Bosa
G. of Orosei
SARDINIA
Maldiventre
Catalano Rock
C. Bellavista
G. of Oristano
C. Frasca
C. Pecora
C. Ferrato
CAGLIARI
C. Sandalo
S. Pietro I.
GULF OF CAGLIARI
S. Antioco
C. Teulada
C. Spartivento
Prepared at the Office of the U. S. Coast and Geodetic Survey
T. C. Mendenhall
Superintendent
U. S. COAST AND GEODETIC SURVEY

registro, e ne darà atto al dichiarante, sulla licenza di pesca prescritta dall' articolo 144 del Codice della marina mercantile.

Quando il dichiarante avrà scoperto effettivamente un banco di corallo, dovrà farne denunzia all' autorità marittima locale.

ART. 28. Colui che avrà, anche senza aver fatto dichiarazione preventiva, scoperto un banco di corallo, godrà i benefizi di cui all' articolo 10 della legge, purchè faccia la denunzia indicata nell' ultimo alinea dell' articolo precedente.

ART. 29. Quando non sia provato a chi, fra i diversi contendenti, debbasi la precedenza nella scoperta di un banco di corallo, si reputerà scopritore, nei rispetti amministrativi, colui che primo ne avrà fatto denunzia, salvo il ricorso all' autorità giudiziaria, nei sensi dell' articolo 32.

Nel caso di simultanea denunzia, e salvo sempre il sopradetto ricorso, si reputerà scopritore colui che per primo abbia fatto tale preventiva dichiarazione, a norma del 1° e 2° comma dell' articolo 27.

ART. 30. Non saranno considerati come nuovi banchi quelli che fossero diramazione o parte di altri precedentemente sfruttati ed abbandonati, oppure in attualità di sfruttamento.

ART. 31. La denunzia, di cui agli articoli precedenti, dovrà contenere le indicazioni necessarie per precisare la situazione e l' estensione del banco scoperto, e le dichiarazione della volontà di esercitare il diritto concesso dalla legge.

L' autorità marittima prenderà nota della denunzia nel registro indicato nell' articolo 27, e ne darà atto sulla licenza di pesca.

La denunzia sarà pubblicata per mezzo di avviso all' ufficio di porto ed all' albo pretorio del comune più prossimo al luogo della scoperta, nonchè all' albo della capitaneria di porto e del comune capoluogo del compartimento.

Nell' avviso saranno diffidati coloro che possono avervi interesse a presentare entro un mese le loro opposizioni.

ART. 32. Decorso il termine indicato nell' articolo precedente, il capitano di porto trasmetterà la denunzia, i relativi documenti e le opposizioni che fossero state presentate al Ministero di agricoltura, industria e commercio, il quale, riconosciuta la qualità di scopritori, nè rilascerà apposito attestato, salvo alle parti il ricorso dell autorità giudiziaria.

ART. 33. Qualora non insorgano contestazioni, lo scopritore, anche prima che sia rilasciato l' attestato ministeriale, potrà sfruttare esclusivamente il banco scoperto, purchè ne abbia fatto la denunzia.

Nel caso di contestazione, l' autorità marittima del luogo impedirà tale esercizio finchè l' uno o l' altro fra i contendenti non abbia ottenuto il riconoscimento della qualità di scopritore per parte del ministero.

ART. 34. Ogni cessione del diritto esclusivo spettante allo scopritore dovrà essere notificata all' autorità marittima competente, coll' indicazione del nome, cognome e domicilio del cessionario.

ART. 35. Durante l' esercizio del diritto esclusivo lo scopritore di un banco di corallo dovrà mantenere a proprie spese, e possibilmente nel centro della periferia del banco medesimo, un galleggiante validamente assicurato, sul quale sarà fermata una piastra, rilasciata dall' autorità marittima, indicante il compartimento marittimo, il nome dello scopritore, ed il giorno della scandenza del diritto. Tale piastra sara rilasciata dall' autorità marittima a spese dell' esercente.

La rimozione di tale galleggiante, per caso indipendente dalla volontà dello scopritore, non pregiudicherà il suo diritto, purchè egli lo ristabilisca al più presto.

ART. 36. Il diritto esclusivo si esercita nella periferia di cinquecento metri intorno al galleggiante, di cui all' articolo precedente.

Entro questa periferia è vietato ai terzi la pesca del corallo.

ART. 37. Le stagioni della pesca del corallo, indicate all' articolo 10 della legge, hanno principio col 1° marzo e finiscono col 10 ottobre.

Nel tempo intermedio, fra una stagione e l' altra, non resta interrotto il diritto di esclusivio esercizio.

ART. 38. Qualora l' esercizio di un banco di corallo sia impedito da naufragio, incendio, guerra, blocco ed altri casi d' infortunio o di forza maggiore per una parte ragguardevole di una stagione, il Ministerio di agricoltura, industria e commercio, sopra domanda dell' interessato, potrà prorogare lo esercizio per una stagione successiva oltre a quelle cui aveva diritto.

Qualora l' impedimento perduri per tutto il periodo stabilito dalla legge, questo potrà essere protratto per due altre stagioni successive.

La relativa domanda dovrà essere corredata da una relazione fatta e certificata dinanzi alle autorità e nei modi indicati dagli articoli 339 e 340 del Codice di commercio.

TITOLO IV.

Disposizioni di carattere locale.

ART. 39. Sono considerati come *distretti di pesca*, agli effetti dei presente regolamento, quelli stabiliti dal regio decreto 10 febbraio 1878, n°. 4294, serie 2ª.

ART. 40. In ciascun distretto saranno osservate le disposizioni speciali contenute in questo titolo, nonostante qualunque disposizione diversa o contraria dei titoli precedenti.

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ART. 84. È proibita la pesca del corallo fino a 500 metri dale *tonnarelle*, e fino a un chilometro dai luoghi in cui si pesca il *pesce spada* per tutto il tempo in cui queste pesche saranno in pieno esercizio, salvo il caso di particolari convenzioni fra gli interessati.

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TITOLO V.

Infrazioni e penc.

ART. 90. Le contravvenzioni agli articoli 3, 4, 7, 8, 9, 11, 12, 16, 22, 23, 24, 44, 45, 46, 48, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 66, 68, 71, 72, 73, 74, 78, 79, 80, 81, 82, 84, 85, 88, 89 del presente regolamento saranno punite con pena pecuniaria estensibile a lire cinquanta.

ART. 91. La distruzione, le rimozioni e le mutazioni ai segnali galleggianti di cui nell' articolo 35 fatte da terzi, saranno punite con multa da lire 51 a 300.

ART. 92. Lo scopritore dei nuovi banchi di corallo, che, con lo spostamento dei segnali galleggianti di cui all' articolo 35, si adoperi per estendere il suo esclusivo esercizio oltre i limiti assegnati nell' articolo 86, sarà punito con multa da lire 51 a 200.

Ogni altro contravventore alle disposizioni dell' articolo 36 sarà punito con multa da lire 400 a 500, ed il corallo pescato in contravvenzione sarà sequestrato e devoluto all' avente diritto.

* * * * * * *

REGIO DECRETO CON CUI É FATTA UN' AGGIUNTA ALL' ARTICOLO 84 DEL REGOLAMENTO SULLA PESCA MARITTIMA, APPROVATO CON REGIO DECRETO 13 NOVEMBRE 1882, n. 1090 (SERIE 3ª), NELLA PARTE RIGUARDANTE LA PESCA DEL CORALLO.

[21 aprile 1887.]

* * * * * * *

ART. 1. All' articolo 84 del regolamento di pesca marittima, approvato con regio decreto 13 novembre 1882, n. 1090 (serie 3ª), sono aggiunti i seguenti comma:

"La pesca del corallo nei mari di Sciacca è regolata dalle seguenti disposizioni:

"Èproibita, fino a tutto il 1891, sul banco scoperto nel 1875; gli altri banchi saranno divisi in zone e il turno di esercizio della pesca su ciascuna di esse sarà fissato a cura dei ministeri della marina e dell' agricoltura, industria e commercio, secondo che sarà riconosciuto conveniente, in armonia alle condizioni coralligene dei banchi stessi. Della rizoluzione sarà data notizia al pubblico a mezzo di notificazione delle capitanerie di porto del Regno.

"Terminata col 1891 la proibizone di pesca sul banco scoperto nel 1875, la pesca stessa sarà su di esso esercitata per turno come è prescritto per gli altri banchi."

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserto nella raccolta ufficiale delle leggi e dei decreti del Regno d' Italia, mandando a chiunque spetti di osservarlo e di farlo osservare.

Dato a Roma, addì 21 aprile 1887.

UMBERTO.

REGIO DECRETO CHE MODIFICA IL 1° COMMA DELL' ARTICOLO 84 DEL REGOLAMENTO SULLA PESCA MARITTIMA.

[29 dicembre 1888.]

* * * * * * *

ART. 1. Al 1° comma dell'articolo 84 del regolamento di pesca marittima approvato con regio decreto 13 novembre 1882, n. 1090 (serie 3ª), è aggiunto il seguente comma:

La pesca del corallo nel mare di Sciacca è proibita temporaneamente.

ART. 2. Le disposizioni del regio decreto 21 aprile 1887, n. 4485 (serie 3ª), sulla pesca del corallo nel mare di Sciacca sone abrogate.

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserto nella raccolta ufficiale delle leggi e dei decreti del Regno d' Italia, mandando a chiunque spetti di osservarlo e di farlo osservare.

Dato a Roma, addì 29 dicembre 1888.

UMBERTO.

REGIO DECRETO CHE REVOCA IL DIVIETO TEMPORANEO PER LA PESCA DEL CARALLO NEL MARE DI SCIACCA.

[7 gennaio 1892.]

* * * * * * *

ART. 1. A decorrere dalla campagna di pesca del 1893 è revocato il divieto temporaneo per la pesca del corallo nel mare di Sciacca stabilito coll' articolo 1° del nostro decreto 29 dicembre 1888, n. 5888 (serie 3ª),

fermo restando quanto preserive l' articolo 84 del regolamento di pesca marittima, approvato col regio decreto 13 novembre 1882, n. 1090 (serie 3ª).

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserto nella raccolta ufficiale delle leggi e dei decreti del Regno d' Italia, mandando a chiunque spetti di osservarlo e di farlo osservare.

UMBERTO.

CODE FOR THE MERCHANT MARINE OF THE KINGDOM OF ITALY.

[Published by Royal Decree of June 25, 1865, No. 2360.]

[Translation.]

* * * * * * *

SEC. 142. The coral fisheries in the seas of the State shall be subject to the payment of an annual sum, the amount of which shall be fixed by Royal Decree.

Foreign vessels which are not entitled by treaties to fish on the same conditions as the national vessels shall pay double the amount contemplated by the preceding clause.

LAWS OF ITALY REGULATING THE CORAL FISHERIES IN THE WATERS OF THE PUBLIC DOMAIN AND IN THE TERRITORIAL SEA.

[No. 3706 (2d series). March 4th, 1877.]

[Translation.]

SECTION I.

General Provisions.

ART. 1. The present law regulates the fisheries in the waters of the public domain, and in the territorial sea.

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The provisions contained in the Merchant Marine Code, and in other laws relating to the water police and navigation, remain unchanged, as regards the treatment of foreigners, and as regards grants in the public domain and the territorial sea.

ART. 2. The regulations for the execution of this law and of their successive modifications shall be approved by Royal Decree upon the proposition of the Minister of Agriculture, Industry, and Commerce, after the Provincial Councils, the Chambers of Commerce, and the Harbor masters, in whose districts the regulation shall apply, have been heard, and after the Superior Council of Public Labors and the Council of State have been consulted. These regulations shall determine—

1. The limits within which shall be in force the regulations regarding the sea fisheries and those regarding the river and lake fisheries, in places where the fresh waters communicate with the salt waters.

2. The disciplinary and prohibitory measures which are necessary for the preservation of the various species of fish and other aquatic animals, as regards localities, seasons, methods of fishing and fishing apparatus; as regards trade in fish and fishery products, and the administration of the waters.

3. The limits of distance from the coast, and of the depth of water within which the disciplinary measures specially tending to the protection and preservation of the various kinds of fish shall apply.

4. The distances and rules which outsiders shall observe in carrying on fisheries in general, or certain special fisheries, with regard to the mouths of rivers, the tunny fisheries, the mullet fisheries, and with regard to establishments for raising fish and other aquatic animals.

5. The police regulations which are necessary, in order to guarantee the maintenance of order and the security of persons and apparatus whilst employed in the fisheries.

6. Any other rules and regulations expressly reserved by this law for the regulation of its execution.

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ART. 7. Tracts of coast, of the domain waters, and of the territorial sea may be granted for a term not exceeding 99 years, to any person who intends to engage in the raising of fish and other aquatic animals, except the cultivation of corals and sponges. Such grants shall be subordinate to the conditions which the general interests require, and which are necessary for effecting the constant exercise of the measures for which these grants have been made.

ART. 8. The special tax on the coral fisheries, established by the 1st part of Article 142 of the Merchant Marine Code, is abolished.

ART. 9. Prohibitory measures as regards the coral fisheries will be established by the regulations.

ART. 10. The discoverer of a coral bank in the waters of the State who makes an announcement of his discovery according to the manner prescribed in the regulations, and who intends to cultivate this bank, shall have the exclusive right to reap the fruits of the same during two successive seasons following the one during which the discovery has been made. The regulations will show in what manner and in what cases this exclusive right may be extended.

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SECTION III.

Infractions and Penalties.

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ART. 18. The regulations for the execution of the present law may fix fines up to 50 lire, as regards violations of the provisions relating to the tunny fisheries and the coral fisheries, and up to 500 lire, subject to the special penal regulations contemplated by other articles of the present section.

ART. 19. If the violation occurs a second time within a year, the fines fixed by the preceding article may be increased, but shall not reach double that amount.

The second violation which occurs within one year from the first shall be punished by a suspension of the fishing rights for a period not less than two weeks, and not exceeding one month.

* * * * * * *

ART. 21. The rules and modes of procedure fixed by the Merchant Marine Code for cases of maritime crimes shall apply to infractions of the present law regarding the sea fisheries.

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ART. 23. Subject to the provisions contained in the present law, the general regulations of the Penal Code, the Code of Penal Procedure, and of Article 144 of the Merchant Marine Code, shall apply to the infractions of the law.

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SECTION IV.

Temporary Provisions.

ART. 24. The provisions relating to the subject-matter of the present law shall cease to be effective at such dates as shall be published from time to time in the regulations for the execution of the law, and not later than two years from the publication of such regulations.

Given at Rome, March 4, 1877.

VICTOR EMANUEL.

REGULATIONS FOR THE EXECUTION OF THE LAW OF MARCH 4TH, 1877, NO. 3706, 2D SERIES, RELATING TO THE FISHERIES, AS REGARDS THE SEA FISHERIES.

[Approved by Royal Decree of November 13, 1882. No. 1090.]

SECTION I.

General Provisions.

ART. 1. The sea fisheries are regulated by the law of March 4th, 1877, No. 3706, and by the present regulations.

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SECTION II.

Provisions relating to the Fisheries in general.

CHAPTER I.

Means and Apparatus used in the Fisheries.

ART. 16. From the 1st December in each year till the 1st May in the following year fishing with nets or any other floating apparatus is prohibited in the waters of the sea at a distance of less than three kilometers from any point on the coast. During the same period this kind of fishing, outside the limits indicated, is prohibited at a depth of less than 8 meters.

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ART. 20. During the tunny fisheries it is prohibited for other persons to carry on any kind of fishery, including coral fisheries, and to light fires at a distance of less than five kilometers to the leeward, or one kilometer to the windward from the tunny fishery, the only exceptions being made in case of grants and privileges belonging to owners, issued prior to the present regulations.

CHAPTER III.

Coral Fisheries.

ART. 26. Coral fisheries may be carried on in Italian waters at all times of the year, subject to the restrictions of the present regulations.

ART. 27. Any one who intends to fit out one or more boats for coral-fishing on the banks must, in accordance with article 29, 2nd clause, of

the present regulations, make written declaration to that effect to the maritime authorities of the place where he intends to fish, and of the place where he fits out his boats.

The authorities referred to shall make a record on their books of said declaration, and issue the license prescribed by Article 144 of the Merchant Marine Code:

When the person who has made said declaration has discovered a coral bank he must announce the fact to the local maritime authorities.

ART. 28. Any one who, without having made the declaration referred to, discovers a coral bank shall enjoy the privileges accorded by article 10 of the law, provided he makes the announcement referred to in the last paragraph of the preceding Article.

ART. 29. If it cannot be proved to whom, among the various claimants, belongs the precedence in having discovered a coral bank, the person who first made the announcement shall, for administrative purposes, be considered the discoverer, subject to recourse to the judicial authorities in the sense of article 32.

In case of simultaneous announcement by several persons, he shall be considered the discoverer who first makes the declaration mentioned in paragraphs 1 and 2 of article 27.

ART. 30. Banks forming branches or parts of banks which have been formerly worked and have been abandoned are not considered as new banks.

ART. 31. The announcement referred to in the preceding articles must contain the indications necessary to define the location and extent of the discovered bank, and a declaration that it is the intention of the discoverer to comply with all the provisions of the law.

The maritime authorities will enter this announcement on the records referred to in Article 27, and will issue the fishery license.

The announcement shall be published by means of a notice posted at the port office and at the town hall of the township nearest to the place of discovery, as well as at the harbor master's office and at the town hall of the capital of the district.

In this notice it shall be stated that anyone who may have any objections to offer shall offer the same within one month.

ART. 32. After the period indicated in the preceding article has elapsed, the harbor master shall transmit the announcement, the documents relating thereto, and any objections which may have been offered to the Minister of Agriculture, Industry, and Commerce, who shall, after having examined into the character of the discoverer, approve the announcement, leaving to parties who may object the recourse to the judicial authorities.

ART. 33. If no contests have arisen the discoverer, after having received the ministerial approval, has the exclusive right to work the bank which he has discovered, provided the proper notice has been given.

In contested cases the local maritime authorities will stop the working of the bank until one or the other of the contestants has been recognized by the Minister as the discoverer.

ART. 34. The granting of an exclusive right to the discoverer must be notified to the proper maritime authorities, with the full name and residence of the discoverer.

ART. 35. During the exercise of the exclusive right, the discoverer of a coral bank shall keep, at his own expense, and as far as possible in the centre of the circumference of said bank, a boat securely anchored displaying a sign issued by the maritime authorities, indicating the

maritime department, the name of the discoverer, and the date when the right will terminate. This sign will be issued by the maritime authorities at the expense of the person exercising the right.

The removal of this boat by any action independent of the will of the discoverer will not prejudice his right, provided he replaces it as soon as practicable.

ART. 36. The exclusive right is exercised within a circumference of 500 meters from the boat mentioned in the preceding Article.

Within this circumference no other person is allowed to engage in coral-fishing.

ART. 37. The season of coral-fishing, indicated in article 10 of the law, begins on the 1st of March and ends on the 10th of October.

The right of the exclusive exercise of the coral fisheries is not interrupted by the interval between one season and the next.

ART. 38. If the working of a coral bank has been impeded by shipwreck, conflagrations, war, blockades, or other misfortunes, or by the interference of a Higher Power, during a season or part of a season, the Minister of Agriculture, Industry, and Commerce, at the request of the person interested, shall extend the right for another season beyond the term of the original grant.

If these impediments continue throughout the entire period fixed by the law, the period may be prolonged by two successive seasons.

The request must be accompanied by a report duly certified by the proper authorities, in accordance with the provisions of Articles 339 and 340 of the Commercial Code.

SECTION IV.

Provisions of a Local Character.

ART. 39. The divisions established by Royal Decree of February 10th, 1878, No. 4294, Series 2, are considered as fishing districts as regards the present regulations.

ART. 40. In each district the special provisions contained in this section shall be observed, even if some of them conflict with those of the preceding section.

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ART. 84. Coral-fishing is prohibited within 500 meters from tunny fisheries, and within one kilometer from the places where swordfish are caught, during the entire period when these fisheries are going on, except in cases where by special agreement between the persons interested other arrangements have been made.

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SECTION V.

Infractions and Fines.

ART. 90. Infractions of Articles 3, 4, 7, 8, 9, 11, 12, 16, 22, 23, 24, 44, 45, 46, 48, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 66, 68, 71, 72, 73, 74, 78, 79, 80, 81, 82, 84, 85, 88, and 89 of the present regulations will be punished by a fine not exceeding 50 lire.

ART. 91. The destruction, removal, or damaging of the floating signs mentioned in article 35 will be punished by a fine of from 51 to 300 lire.

ART. 92. Persons who have discovered new coral banks, and who place the floating signs mentioned in article 35 in such a manner as to

unlawfully extend the limits assigned to them by article 86 will be punished by a fine of from 51 to 200 lire.

Any infraction of the provisions of Article 36 will be punished by a fine of 400 to 500 lire, and the coral which has been fished unlawfully will be seized and returned to the person having a right thereto.

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ROYAL DECREE OF APRIL 21ST, 1887, MAKING AN ADDITION TO ARTICLE 84 OF THE REGULATIONS FOR THE SEA FISHERIES, APPROVED NOVEMBER 13TH, 1882, AS REGARDS THE CORAL FISHERIES.

[No. 4485.]

ART. 1. The following clause is added to Article 84 of the regulations for the sea fisheries:

The coral fisheries in the Sea of Sciacca are regulated by the following provisions: Coral fishing is prohibited till the end of the year 1891 on the bank discovered in 1875. The other banks will be divided into districts, each having its turn during which fishing can be carried on. The order of these turns shall be fixed by the Minister of Marine in conjunction with the Minister of Agriculture, Industry, and Commerce, as they shall deem convenient, in accordance with the coral-producing conditions of these banks. The public will be advised of these turns by a notice from the Chief Harbor Officer of the Kingdom.

When, at the end of the year 1891, the prohibition to fish on the bank discovered in 1875 ceases, fishing on this bank will be carried on by turns, as on the other banks.

Given at Rome, April 21, 1887.

HUMBERT.

ROYAL DECREE OF DECEMBER 29TH, 1888, MODIFYING THE FIRST PARAGRAPH OF ARTICLE 84 OF THE REGULATIONS FOR THE SEA FISHERIES.

[No. 5888.]

ART. 1. The following is added to Paragraph 1 of Article 84 of the Regulations for the Sea Fisheries approved November 13th, 1882: "Coral fishing in the sea of Sciacca is temporarily prohibited."

ART. 2. The provisions of the Royal Decree of April 21st, 1887, No. 4485 (3rd Series), relative to the coral fisheries in the sea of Sciacca, are abrogated.

Given at Rome December 29, 1888.

HUMBERT.

ROYAL DECREE OF JANUARY 7TH, 1892, REVOKING THE TEMPORARY PROHIBITION ON THE CORAL FISHERY IN THE SEA OF SCIACCA.

ART. 1. The temporary prohibition placed upon the coral fishery in the sea of Sciacca by Article 1 of the Decree of December 29, 1888, No. 5888 (Series 3), is revoked, to date from the close of the fishing season of 1893; the provisions of Article 84 of the regulations respecting the marine fisheries, approved by the Royal Decree of November 13, 1882, No. 1090 (Series 3), will remain in force.

HUMBERT.

NORWAY.

19 JUNI. No. 2. 1880.

[From "Norsk Lovtidende, 1880," page 313.]

Lov angaaende Fredning af Hval ved Finmarkens Kyst (*) (1).

Vi Oscar, o. s. v. Gjøre vitterligt: At Os er bleven forelagt det nu forsamlede ordentlige Storthings Beslutning af 15 de Juni dette Aar, saaly dende:

"SEC. 1. Det skal være forbudt paa den Havstrækning ved Finmarkens Kyst, som Kongen bestemmer, at dræbe eller jage Hval i Tidsrummet fra 1ste Januar til Udgangen af Mai; dog Kan Hval, der er auskudt udenfor Fredningsfeltet, dræbes eller tilgo degjøres idenfor dettes Grændser.

SEC. 2. Hvo, som overtræder det i Sec. 1 fastsatte Forbud, eller paa nogen Maade giør sig delagtig i saadan Overtrædelse, straffes med Bøder fra 4,000 til 8,000 Kroner for hver Hval, som jages eller dræbes. Dog skal af et Skibs Besætning ingen anden end Føreren straffes, naar Overtrædelsen er skeet enten efter hans Befaling eller med hans Vidende og uden at han har giort, hvad der stod i hans Magt for at hindre den.

Bestemmelsen i Kriminalloven af 3 die Juni 1874, 2 det Kapitel, Sec. 40, sidste Passus, Kommer ikke til Anvendelse. (2)

SEC. 3. Sager, der reise sig af Overtrædelse af nærværende Lov, behandles ved Politiret. For Bøder, hvormed Fører eller Reder bliver anseet, hefter Skibet.

SEC. 4. Nærværende Lov skal ikke være til Hinder for, at man kan bemægtige sig Hval, som findes lauddreven eller i saavet Tilstand drivende i Søen.

SEC. 5. Denne Lov træder i Kraft 1ste Januar næste Aar og skal gjælde i 5 Aar."

Thi have Vi antaget og bekræftet, ligesom Vi herved antage og bekræfte denne Beslutning som Lov.

5 JANUAR 1881.

[From "Norsk Lovtidende, 1881," page 7.]

Plakat indeholdende Bestemmelser om Fredning af Hval ved Finmarkens Kyst. (3)

Vi Oscar, o. s. v. Gjøre vitterligt:

I Kraft af Lov angaaende Fredning af Hval ved Finmarkens Kyst af 19de Juni 1880, Sec. 1, og under Henvisning til samme Lovs, Secs. 2, 3, 4 og 5 fastsættes herved:

Paa Havstrækningen ved Finmarkens Kyst i en Afstand af indtil en geografisk Mil fra Kysten, regnet fra den yderste Ø eller Holme, som ikke overskylles af Havet, skal det indtil Videre være forbudt at dræbe eller jage Hval i Tidsrummet fra 1ste Januar til Udgangen af Mai.

For Varangerfiordens Vedkommende bliver Grændsen for den fredede Strækning udad mod Havet en ret Linie trukken fra Kibergnæs til

(*) Bekjendtgj. 22 Juni i Lovt., 1ste Afd., No. 20.

(1) Se Sth. Dok. No. 31 og 41 og Indst. O. No. 14 for 1879 samt Sth. tid. for s. A., Forh. i Oth., S. 197–99; Sth. Prp. No. 23, Indst. O. No. 40 og Dok. No. 41 og 54 for 1880 samt Sth. tid. for s. A., Forh. i Oth., S. 394–422 og 536 og i Lth., S. 88–99 og 114.

(2) Cfr. L. om Fredn. af Sæl i Nordishavet af 18 Mai 1876, Sec. 2.

(3) Bekiendtgj. 8 Januar 1881, i Lovt. 1ste Afd., No. 1.

Grændse-Jakobselv, dog saaledes, at det ogsaa udenfor denne Linie skal være forbudt i den ovenanførte Tid at dræbe eller jage Hval i kortere Afstand fra Kysten ved Kibergnæs end 1 geografisk Mil. (†)

Hvorefter alle Vedkommende sig underdanigst have at rette.

LAW OF NORWAY OF JUNE 19, 1880, RELATING TO THE PROTECTION OF WHALES.

[Translation.]

SEC. 1. It shall be prohibited on that part of the sea on the coast of Finmarken which the King will define to kill or chase whales during the period extending from the 1st of January till the end of May; but whales which have been wounded outside of the limits of protection may be killed or be utilized within these limits.

SEC. 2. Any one violating the provisions of Section 1 or becoming party to such violation will be punished by a fine of from 4,000 to 8,000 kroner for each whale which is chased or killed. Of a ship's crew, however, none but the captain shall be punished, if the law has been violated either by his order or with his knowledge and if he has not done everything in his power to prevent such violation.

The provisions of the last clause of section 40 of chapter 2 of the Criminal Law of June 3rd, 1874, shall not apply.*

SEC. 3. Cases arising from violations of the present law are treated before the police courts. For fines to which the captain or the owner of a vessel has become liable the vessel is held as a pledge.

SEC. 4. The present law shall not prevent any one from taking possession of a whale which has been driven ashore or which is found floating in the sea in a wounded condition.

SEC. 5. This law shall go into operation on the 1st of January of next year and shall remain in force for five years.

PROCLAMATION CONTAINING THE REGULATIONS RELATIVE TO THE PROTECTION OF WHALES ON THE COAST OF FINMARKEN, JANUARY 5, 1881.

Referring to the law of June 19th, 1880, relative to the protection of whales on the coast of Finmarken, it is hereby ordered:

In the sea on the coast of Finmarken, at a distance not exceeding one geographical mile from the coast, counted from the outermost islands or rocks which are never covered by the sea, it shall, until further notice, be prohibited to kill or chase whales during the period from the 1st of January till the end of May.

As regards the Varangerfjord, the limit for the protected tract and towards the sea shall be a straight line drawn from Kibergnos to the boundary, the Jakobselv, but it shall also be prohibited outside of this line, during the season of protection mentioned above, to kill or chase whales at a distance of less than one geographical mile from Kibergnos.†

(†) Ifr. Resol. 22 Febr. 1812, og 16 Oktbr. 1869.

*See Law of May 18, 1876, Sec. 2, relating to the protection of seals in the Polar Sea

†See Decrees of February 22, 1812, and October 16, 1869.

COLOMBIA.

[From Gaceta de Panamá, February 6th, 1896, No. 324.]

DECRETO NÚMERO 6 DE 1890.

[De 29 de enero.]

SOBRE BUSERÍA CON MÁQUINAS EN EL DEPARTAMENTO.

El Gobernador del Departamento.

En uso de sus atribuciones, y considerando:

1°. Que la busería con máquinas de la concha madre perla se prohibió en este Departamento, por considerarse perjudicial al fomento de esta industria del país;

2°. Que el Supremo Gobierno facultó á esta Gobernación para permitir la busería en determinados lugares de las costas del departamento, mediante el pago del impuesto por cada tonelada de las conchas de madre perla extraídas con máquina;

3°. Que la recaudacion de este impuesto, en la forma establecida, presenta inconvenientes por no ser fácil averiguar con precision el número de toneladas de tal molusco que se extraigan con cada máquina; y

4°. Que esta Gobernación está obligado á asegurar los intereses del Tesoro.

DECRETA:

ARTÍCULO 1°. Permítese la busería con máquinas en las costas del Departamento, comprendidas de las Puntas "Mariato" á "Burica," siempre que previamente se obtenga la respectiva patente.

ARTÍCULO 2°. Las patentes, se darán por cada una máquina que se emplée en la busería, serán por un año; las expedirá el Administrador General de Hacienda, y las visará el Secretario General de la Gobernación del Departamento.

ARTÍCULO 3°. El valor de cada patente será de doscientos pesos, que se consignarán en la Administración General de Hacienda antes de su expedición.

ARTÍCULO 4°. No se dará patente para busear con máquinas en el Golfo de Panamá, desde las Puntas "Mala" hasta "Garachiné."

ARTÍCULO 5°. Los contraventores sufrirán las penas de comiso de las máquinas con sus accesorios empleadas en la extracción de la concha madre perla, y de una multa igual al cuádruplo de la cantidad que como derecho debia pagarse por la patente anual. En caso de insolvencia del multado, la multa se conmutará por arresto, á razón de un día por cada dos pesos.

ARTÍCULO 6°. Los Prefectos de las Provincias del Departamento, comunicarán á los empleados de su dependencia las órdenes conducentes á impedir que se busée con máquinas, sin que se tenga la patente respectiva.

ARTÍCULO 7°. El Comandante de la Cañonera *Boyacá* inspeccionará con frecuencia las costas del Departamento, para impedir que se busée con máquinas en los lugares prohibidos, y que en los permitidos se haga sin dar cumplimiento á las disposiciones del presente Decreto.

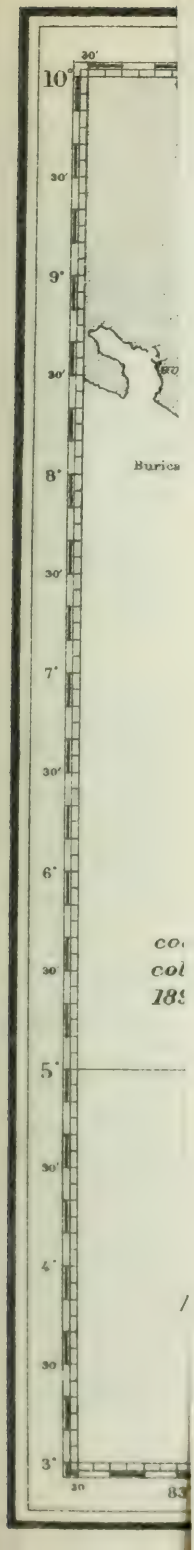
Comuníquese y publíquese.

Dado en el Palacio de Gobierno de Panamá, á 29 de enero de 1890.

J. V. AYCARDI.

El Secretario General,

S. MCKAY.


10°
30'
9°
30'
8°
30'
7°
30'
6°
30'
5°
30'
4°
30'
3°
30
Burica


PANAMA
PEARL FISHERY
Use of Diving Machines prohibited over colored area marked A. Regulated over colored area marked B by Decree No. 6. 1890.
A
B
GULF OF PANAMA
PANAMA BAY
PERLAS ISLANDS
37 N. miles
Cape Mala
Point Garachine
Cape Marzo
Mariato Pt.
Burica Pt.
GULF OF DULCE
Prepared at the Office of the U.S. Coast and Geodetic Survey
T. C. Mendenhall
Superintendent

DECREE OF THE DEPARTMENT OF PANAMA, NO. 6 OF 1890.

[From Gaceta de Panamá, 6th February, 1890, No. 324.]

ON DIVING WITH MACHINES WITHIN THE DEPARTMENT.

[Translation.]

The Governor of the Department, in the use of his attributes, and considering:

1. That the diving for mother-of-pearl shells with machines has been prohibited in this department, it being considered prejudicial to the progress of the industry of the country:

2. That the Supreme Government authorized this Government (dept'l) to permit this diving in designated places on the coasts of the department on the payment of a tax for every ton of mother-of-pearl shells obtained by each machine;

3. That the collection of this tax under the established conditions was attended with many difficulties, it not being easy to ascertain with correctness the number of tons of the said mollusk obtained by each machine; and

4. That this Government, being obliged to protect the interests of the Treasury,

DECREES:

ART. 1. The diving with machines will be permitted on the coasts of the department between Points "Mariato" and "Burica," whenever the respective patent be previously obtained.

ART. 2. The "patents" will be issued to each machine employed in this diving for the term of one year; they will be issued by the General Administrator of Finance, and will be viséd by the Secretary-General of the Departmental Government.

ART. 3. The cost for each "patent," or permit, will be $200, which will be paid in to the General Administrator of Finance prior to its despatch.

ART. 4. No permits will be issued for diving with machines within the Gulf of Panama from Points Mala to Garachiné.

ART. 5. The transgressors will suffer the penalty of confiscation of their diving machines and all accessories used in the diving for mother-of-pearl shells, and also a fine equal to four times the amount which should have been paid for the annual "patent." In case the fined person be insolvent the fine will be commuted by arrest at the rate of one day's arrest for every two dollars.

ART. 6. The Prefects of the Provinces of the Department will instruct the employés under their jurisdictions, by requisite orders, how to prevent diving by unlicensed machines.

ART. 7. The captain of the gunboat *Bogotá* will inspect the coasts of the Department whenever practicable, and prevent diving with machines in prohibited places, and in others, where diving with machines is permitted, will see that the diving is done in accordance with the terms of this Decree.

Be it made public.

Given in the Palace of the Governor of Panama, this 29th of January, 1890.

J. V. AYCARDI.

The Secretary General,

S. MCKAY.

MEXICO.

[Secretaría de Estado y del Despacho de Hacienda y Crédito Público, Seccion 1.]

Habiendo pedido instrucciones á esta secretaría el administrador de la aduana del Progreso sobre la manera en que debe proceder respecto de las costas de la República, el Presidente ha tenido á bien, en uso de las facultades que le concede la fraccion 1 del articulo 85 de la Constitucion, determinar que se les comuniquen las siguientes reglas, que son extensivas á todas las costas de la nacion:

I. Es libre para todos los habitantes de la República la pesca en sus aguas territoriales, el buceo de perlas, y el approvechamiento de todos los productos marítimos.

II. Los buques nacionales podran ocuparse de trasportar dichos productos, libres de derechos, sin otra condicion, que de la de inscribir el nombre de la embarcacion y los de los tripulantes en la aduana marítima más inmediata, de altura ó cabotaje, cuyo administrador queda facultado para expedir la patente respectiva.

III. Dicho patente se renovará anualmente, y luego que fuere expedida, se dará conocimiento de ella á la secretaría de hacienda.

IV. Los buques extranjeros solo podrán ocuparse de este trafico, presentándose préviamente á la aduana marítima respectiva, de altura o cabotaje, en la que pagarán el derecho de tonaladas establecido ó que se establezca sobre buques extranjeros, que ahora es á razon de un peso por cada tonelada, y recibirán un permiso temporal, que no excederá de seis meses.

V. Para obtener este permiso será indespensable registrar el nombre del buque, el del capitan y de los tripulantes.

VI. El número de los tripulantes de buques extranjeros nunca excederá de veinticinco.

VII. Las patentes y permisos de que habla este reglamento, habilitan á los que les obtengan, para establecer en la costa habitaciones provisionales, que sirvan para resguardar los productos de la pesca y prepararlos convenientemente.

VIII. Para establecer dichas habitaciones recabarán préviamente licencia de la autoridad municipal más inmediata, quedando les tripulaciones de los buques sujetas á las leyes del pais, desde el momento que se solicite el permiso. Dicha autoridad no podrá conceder la licencia, sino en vista de la patente ó permiso de la aduana marítima respectiva.

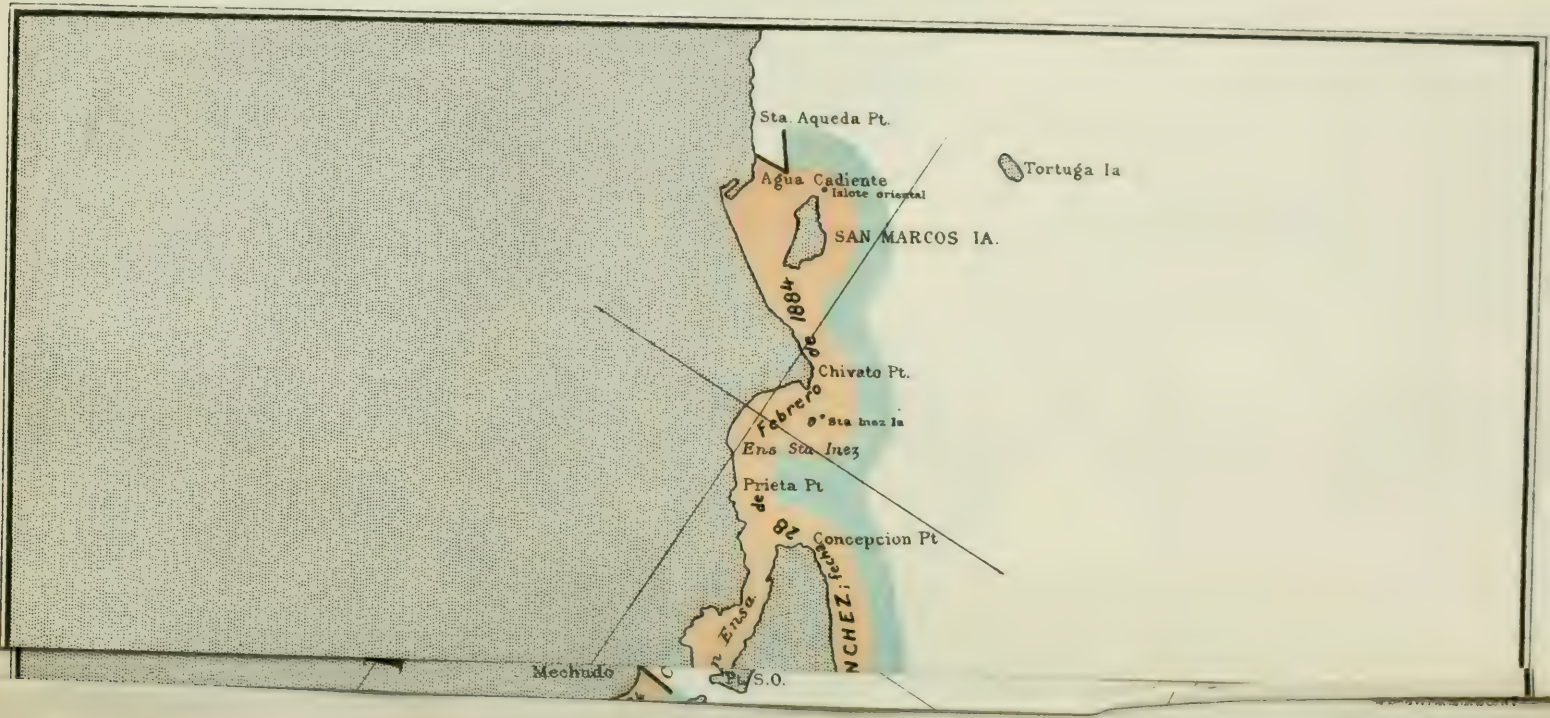
IX. La autoridad municipal hará el señalamiento material del lugar en que puedan establecerse, por tiempo del permiso.

X. Los resguardos maritimos podrán visitar en qualquier momento los establecimientos de pesca ó buceo, y registrar los buques destinados á este tráfico, á fin de impedir que á la sombra de la concesion se verifique el contrabando de efectos extranjeros en contravencion de la Ordenanza de aduanas.

XI. Caso de delito infranganti de contrabando, serán decomisados los útiles de la empresa y las embarcaciones, procediendose al juicio respectivo y á la imposicion de penas, conforme á lo prevenido en el arancel de aduanas marítimas.

XII. Los administradores de las aduanas, de acuerdo con peritos y personas prácticas y conocedoras, determinarán el tiempo en que deba cosecharse la perla, no permitiendo que esta operacion se verifique cuando haya peligro de destruirse la cria.

XIII. Los mismos administradores señalarán la extension ó espacio


Sta. Aqueda Pt.
Agua Cadiente
Islote oriental
Tortuga Ia
SAN MARCOS IA.
1884
de
Febrero
Chivato Pt.
Sta Inez Ia
Ens Sta Inez
Prieta Pt
28 de
Concepcion Pt
Ensa
Mechudo
Pt S.O.

INTERIOR DE LA BAJA CALIFORNIA

GOLFO DE CALIFORNIA

C. S. Lucas

San José del Cabo

PERMISO A J. HIDALGO, Segun el articulo 15 de su contrato de 21 Febrero de 1884

Concesion de JUAN HIDALGO: fecha 21 de Febrero de 1884 y fecha 13 de Enero de 1885

Concesion de M. F. VALDOVINOS

Cabo Pulmo

Pt. Arena

Pt. Arena de la Ventana

Concesion de ANDRES GUTIERREZ, fecha 28 de Febrero de 1884

M. F. VALDOVINOS

Quebrada

Coyote Pt.

LA PAZ

Caracol de S. Lorenzo

Pt. Diablo

Pt. Dispensa

Gorda Pt.

Pt. Sur

Mediodia

Canal de S. José

Concesion de FRANCS. CAÑEDO

Nopolo Pt.

Pt. Ostiones

CARLOS GUAGLIA

FRANCS CAÑEDO

S. Telmo Pt.

Sta. Cruz Ia.

S. Diego Ia.

S. Francisco Ia.

S. O.

LOBOS

ESPIRITU SANTO IA.

SAN JOSÉ IA.

CERRALBO IA.

Canal de Cerralbo

Canal de la Ventana

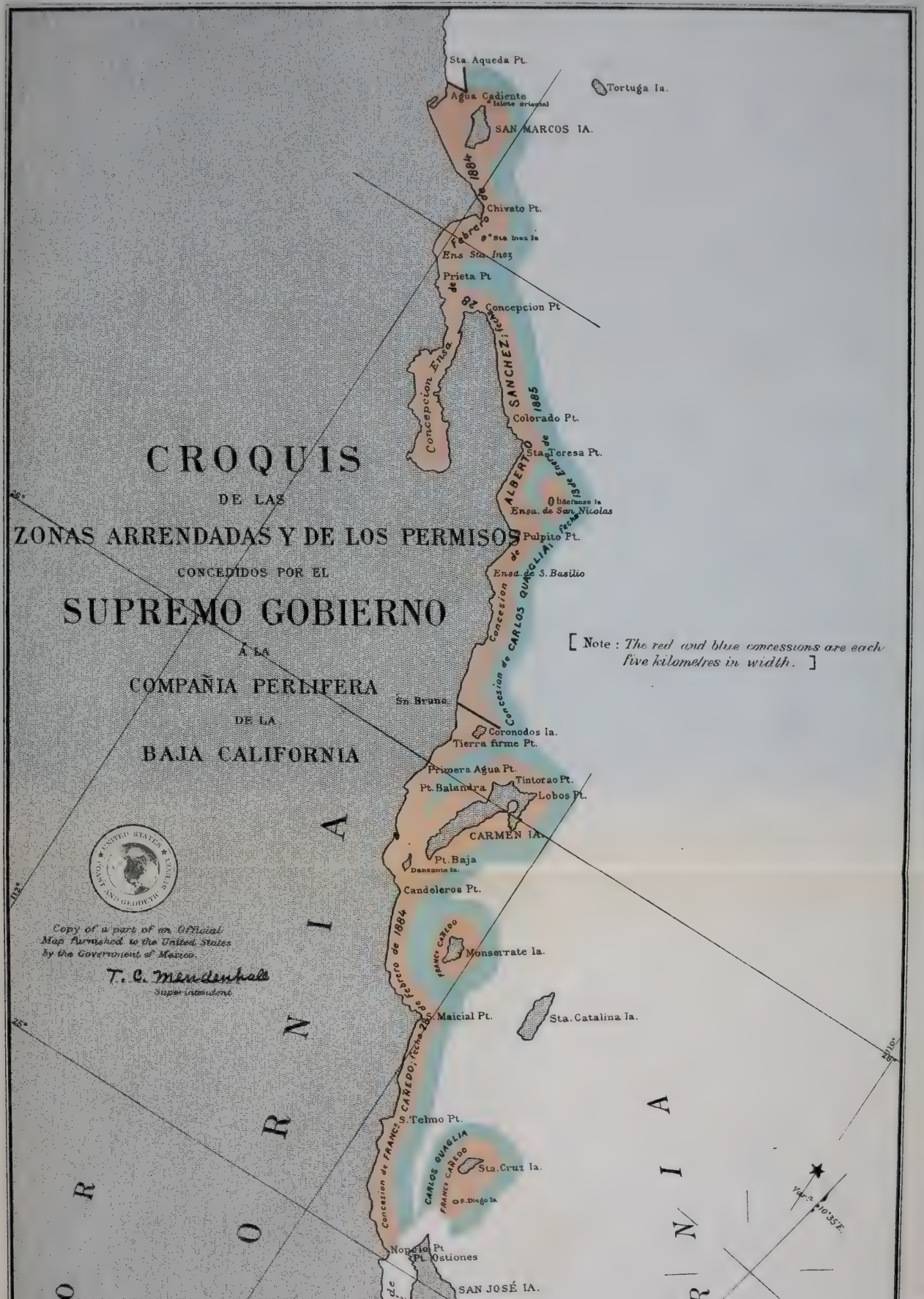
Vale 10.35 h.

110°

109°

25°

24°


CROQUIS
DE LAS
ZONAS ARRENDADAS Y DE LOS PERMISOS
CONCEDIDOS POR EL
SUPREMO GOBIERNO
Á LA
COMPAÑIA PERLIFERA
DE LA
BAJA CALIFORNIA
[Note : The red and blue concessions are each five kilometres in width.]
Copy of a part of an Official Map Furnished to the United States by the Government of Mexico.
T. C. Mendenhall
Superintendent
Sta. Aqueda Pt.
Agua Caliente
Islote oriental
Tortuga Ia.
SAN MARCOS IA.
Chivato Pt.
Ensa Sta. Inez
Prieta Pt.
Concepcion Pt
Colorado Pt.
Sta. Teresa Pt.
Pulpito Pt.
Ensd. de S. Basilio
Sn. Bruno
Coronodos Ia.
Tierra firme Pt.
Primera Agua Pt.
Pt. Balandra
Tintorao Pt.
Lobos Pt.
CARMEN IA.
Pt. Baja
Candeleros Pt.
Monserrate Ia.
S. Maicial Pt.
Sta. Catalina Ia.
S. Telmo Pt.
Sta. Cruz Ia.
S. Diego Ia.
Nopolo Pt
Pt. Ostiones
SAN JOSÉ IA.
Concesion de CARLOS QUAGLIA fecha 28 de Febrero de 1884
Concesion de FRANCO CAÑEDO, fecha 28 de Febrero de 1884
Concesion de ALBERTO SANCHEZ, fecha 28 de Febrero de 1885
Concepcion Ensa.
Ensa. de San Nicolas
Otáeronso Ia
Monserrate Ia.
Sta. Inez Ia
Varn 10°35'E
112°
25°
24°
ORNIA

que cada concesionario deba verificar la pesca, buceo ó explotacion, limitándolo con algunas señales que no dén lugar á perjuicio de tercero. Dicha extension ó espacio quedarán consignados en la patente respectiva.

XIV. Los buques nacionales ó extranjeros que se empleen en el tráfico de pesca ó buceo, sin sujetarse á este reglamento y á las leyes generales de la República, serán multados por el administrador de la aduana marítima más cercana al punto en que fueren aprehendidos, con la cantidad determinada por las leyes, deteniéndose este en el puerto, miéntras que no satisfaga dicha multa.

XV. Este reglamento se fijará escrito en castellano, francés, inglés y aleman, en un lugar visible, en cada una de las aduanas marítimas.

México, Marzo 16 de 1872.

ROMERO.

[Secretaría de Estado y del Despacho de Hacienda y Crédito Público. Seccion 3ª. Mesa 5ª.]

El C. Presidente de la República se ha servido dirigirme el decreto que sigue:

Sebastin Lerdo de Tejada, Presidente Constitucional de los Estados-Unidos Mexicanos, á sus habitantes, sabed:

Que el Congreso de la Union ha tenido á bien decretar lo siguiente:

El Congreso de la Union decreta:

ART. I. La zona perlífera en el litoral de Baja-California será dividida en cuatro secciones, cuyos límites marcará el Poder Ejecutivo.

ART. II. La pesca de concha y perla, podrá hacerse alternativamente cada dos años en una sola de las secciones, no permitiendose por motivo alguno la extraccion de la concha cria. Los infractores de este artículo incurririan en una multa de cien á quinientos pesos.

ART. III. El Ejecutivo modificará, conforme á este ley, el reglamento sobre pesca, expedido el 16 de Marzo de 1872.

Palacio del Poder Legislativo de la Union, México, Abril 21 de 1874. R. G. Guzman, diputado presidente. A. Riba y Echeverría, diputado secretario. S. Nieto, diputado secretario.

Por tanto mando se imprima, publique, circule y se le de debido cumplimiento.

Dado en el Palacio del Gobierno Federal de México á veintiuno de Abril de mil ochocientos setenta y cuatro.

(Fmdo.) SEBASTIN LERDO DE TEJADA.

Al C. Francisco Mejía, Secretario de Estado y del Despacho de Hacienda y Crédito Público.

Y lo comunico á Vd. para su inteligencia.

Independencia y libertad.

México, Abril 21 de 1874.

MEJÍA.

[Secretaría de Estado y del Despacho de Hacienda y Crédito Público. Seccion 3ª. Mesa 5ª.]

Reglamento para el Buceo de la Concha Perla conforme al Decreto de 21 de Abril de 1874.

I.—*Buceo.*

I. El buceo de la concha perla es libre en la costa de la República Mexicana, tanto para los habitantes de ella, como para los extranjeros,

siempre que se sujeten á las leyes del país y á las disposiciones de este reglamento.

II. Desde el momento que una persona quiere establecer una armada, pedirá permiso al administrador de la aduana más inmediata, el cual no podrá negarlo.

III. El buceo durará desde el 15 de Mayo hasta el 15 de Noviembre de cada año, no pudiendose ampliar este plazo por ningun motivo.

IV. Ningun armador puede impedir á persona alguna que vaya á visitar los lugares en que se bucea, y aun á comprar perlas, siempre que sean de la propiedad de las que venda, quedando en caso contrario, tanto el comprador como el vendedor, sujetos á lo que previenen las leyes sobre efectos robados.

II.—*Zonas.*

V. Se divide el litoral perlífero de la Baja-California, en cuatro zonas, segun lo previene el supremo decreto de 21 de Abril del corriente año.

* * * * * * *

IV.—*Buques extranjeros.*

XIII. Todo buque mercante extranjero puede venir á las costas de la República á la pesca de la concha perla, siempre que cumpla con las leyes vigentes y con las prescripciones que siguen:

1. Pedir el premiso previo.
2. Pagar el derecho de toneladas establecido ó que se establezca y el de faro donde lo haya.
3. Hacer registrar el nombre del buque, el del capitan y el de su tripulacion.
4. Que no exceda de veinticinco el número de tripulantes extranjeros.
5. Traer su lista de rancho con todos los requisitos que previene el arancel de aduanas.
6. Pagar los derechos establecidos ó que se establezcan sobre los víveres que traigan de exceso.

V.—*Visitas.*

XIV. Los administradores de las aduanas dispondrán que se visiten las armadas por lo ménos seis veces durante la temporada.

XV. Las visitas tendrán por objeto investigar si se cumple con lo prevenido en el supremo decreto ántes mencionado, y en este reglamento.

XVI. El empleado á quien encomiende estas visitas el administrador, rendirá informe circunstanciado de todo lo que ocurra y sea conveniente tener en conocimiento.

VI.—*Inspectores de armada.*

XVII. La aduana nombrará uno ó dos inspectores para cada armada.

XVIII. Estos inspectores disfrutarán un sueldo de $20 mensuales, el cual, lo mismo que su manutencion, serán costeados por los armadores.

XIX. Son atribuciones de los inspectores, como auxiliares de la justicia y de la policía:

1. Practicar por de pronto las diligencias conducentes por los delitos ó infracciones que pueden cometerse en las armadas, remitiendo a los infractores bien asegurados á la autoridad competente.
2. Impedir el contrabando.

3. Impedir que se bucée fuera de la zona permitida.
4. Impedir la pesca de la cria.
5. Impedir que los armadores maltraten á los buzos ó abusen de su trabajo.
6. Avisar violentamente á la aduana de cualquier caso grave que ocurra, para el cual tendrán la facultad de ocupar una embarcacion pequeña y el número de tripulantes necesario, todo de la misma armada.

VIII.—*Penas.*

XX. Por cualquiera infraccion de este reglamento que cometan los armadores, impondrán los administradores una multa que no baje de $5 ni exceda de $200, excepto en los casos de contrabando en que se observarán las prevenciones del arancel vigente.

XXI. Estas multas ingresarán en calidad de depósito, hasta que el ministerio resuelva si estuvieren bien aplicadas, para lo cual el administrador informará en cada que se aplique alguna.

Transitorio.

Se derogan los reglamentos anteriores.

México, Junio 24 de 1874.

MEJIA.

LAWS RELATING TO MEXICAN PEARL FISHERIES.

REGULATION OF MARCH 16, 1872.

[Translation.]

TREASURY DEPARTMENT, &c.,
First Section.

The collector of customs at Progreso having requested from this Department instructions as to the proper method of procedure regarding fishery interests along the coast of the Republic, the President has seen fit, in the exercise of the faculties upon him conferred under par. 1 of Art. 85 of the constitution, to determine that the following regulations, applicable along the entire coast of the nation, shall be communicated to him:

I. The privilege of fishing in the waters of the Republic, as well as that of searching for pearl, and the benefit of all maritime products, is free to all inhabitants of the Republic.

II. Foreign vessels can engage in the transportation of such products, free of duty, and without any other condition than the register, at the nearest maritime custom house, of the name of the vessel and the names of the crew, such custom house, whether a high sea port or trading post, through its managers, shall issue the respective permit.

III. Such permit is renewable annually, and upon issue thereof due advice shall be served upon the treasury department.

IV. Foreign vessels can only engage in this traffic of transportation, reporting previously to the aforesaid maritime custom-house, where they shall pay the tonnage dues established, or which may be established, for foreign shipping, which is now at the rate of one dollar per ton; and they shall receive a temporary permit good only for six months.

V. To obtain such permit it shall be necessary to register the name of the vessel, that of the captain, and those of the crew.

VI. The number of the crew on foreign vessels shall never exceed twenty-five.

VII. The warrants and permits mentioned in these regulations authorize their holders to set up along the coast provisional buildings to store the products of the fishing and for their preparation.

VIII. In order to set up said buildings it shall be necessary first to secure license from the most available municipal authority, the crews of the vessels being subject to the laws of the land from the moment such permission is requested. The said municipal authority can not grant the license save when the warrant or permit of the respective maritime house is produced.

IX. The municipal authority shall assign the place where such building can be erected for the time covered by the permit.

X. The maritime customs guards are at liberty at any time whatsoever to visit the fishing or diving establishments and to inspect the vessels assigned to that service, to the end that under cover of the concession there may be no smuggling of foreign goods as against the provisions of the general customs ordinance.

XI. In case of smuggling discovered delito infranganti, the belongings of the company and the vessels shall be confiscated, while, in accordance with the stipulations of the maritime customs ordinance, the requisite judicial proceedings shall be had and the imposition of the fines.

XII. In accord with experts and practical intelligent persons, the collectors of customs shall determine the time when pearl fishing may be engaged in, such fishing not to be permitted when there is any danger of injuring or destroying the mother shell.

XIII. The customs collectors shall designate the territory or space wherein any concessionaire may conduct fishing, diving, or other like operations, placing requisite signs or marks to the end that the interests of any third party shall not be injured. The extent of such territory shall be designated in the permit issued.

XIV. Mexican or foreign vessels which may engage in fishing or diving traffic in violation of this regulation and the general laws of the Republic shall be fined, such fine being imposed by the collector of customs at the point nearest to the scene of arrest, the fine to be in the sum stipulated under the law, the offending vessel to be held in the port until such fine be satisfied.

XV. These regulations written in Spanish, French, English, and German shall be posted up in a conspicuous place in each of the maritime custom-houses.

Mexico, March 16, 1872.

ROMERO.

DECREE OF APRIL 21, 1874.

[Translation.]

DEPARTMENT OF THE TREASURY, ETC.,
Section 3, Table 5.

The President of the Republic has been pleased to address me the following decree:

Sebastian Lerdo De Tejada, Constitutional President of the United Mexican States, to the inhabitants thereof: Know Ye,

That the Congress of the Union has seen fit to decree the following:

The Congress of the Union decrees:

ART. 1. The pearl fisheries along the coast of Lower California shall

be divided into four districts, the limits whereof shall be designated by the Executive.

ART. 2. The fishing for shell and for pearl can be carried on alternatively each two years in any one of the districts, but under no consideration shall the mother shell be removed. Violators of the rule are liable to a fine of from $100 to $500.

ART. 3. In conformity with this law, the Executive shall modify the Fishery Law of March 16, 1872.

Palace of the Legislative Power of the Union, *April 21, 1874.*

R. G. GUZMAN,
Speaker of the House.

A. RIBA Y ECHEVERRIA,
Clerk of the House.

S. NIETO,
Clerk of the House.

I therefore order that the same may be printed, published, and circulated and given due compliance.

Given at the Palace of the Federal Government of Mexico, on the 21st of April, the year one thousand eight hundred and seventy-four.

SEBASTIAN LERDO DE TEJADA.

To C. FRANCISCO MEGIA,
Secretary of the Treasury, etc.

And I communicate, etc.
Independence and liberty.
Mexico, April 21, 1874.

MEGIA.

ORDINANCE OF JUNE 24, 1874.

[Translation.]

DEPARTMENT OF THE TREASURY, &c., &c.
Section 3, Table 5.

REGULATIONS TO GOVERN PEARL DIVING UNDER PROVISIONS OF THE DECREE OF APRIL 21, 1874.

I.—*Diving, etc.*

1. Diving for pearl is free along the coast of the Mexican Republic, alike for the inhabitants thereof as well as for foreigners, provided they always are obedient to the laws of the land and to the regulation stipulations.

2. Whenever any person desires to open up fishing grounds he may apply for permission to the nearest customs collector, who can not deny him.

3. The fisheries shall last from May 15 to November 15 of each year, and under no conditions whatsoever can this term be extended.

4. No pearl cruiser can prevent any person whatever from frequenting the fishing grounds, and even purchasing pearls, provided always that the latter are the legitimate property of the vendor; in contrary event the vendee and the vendor alike being subject to the law governing stolen property.

II.—*Districts.*

5. The pearl fisheries along the coast of Lower California shall be divided into four districts in accordance with the Supreme Decree of April 21 of the present year.

NOTE.—The sections of the law which are omitted relate to the boundaries of the fishing districts, the equipment of divers, and the collection of debts due by divers to the cruisers.

* * * * * * *

IV.—*Foreign Vessels.*

13. All foreign merchant vessels can come to the coast of the Republic to engage in pearl fishing, provided they comply with the laws in force and with the following provisions, to wit:

i. The prior request for permission.

ii. The payment of tonnage dues established or to be established, and the payment of light-house charges wherever such are required.

iii. The record upon the register of the name of the vessel, that of the captain, and of his crew.

iv. That the number of foreigners in any crew shall not exceed twenty-five.

v. That the list of provisions shall be made out in accordance with the requisites provided under the customs ordinance.

vi. The payment of duties established or to be established upon food and provisions in excess.

V.—*Inspections.*

14. The collectors of customs shall arrange that the fleets of the fishermen shall be inspected at least on six occasions during the fishing season.

15. The inspectors shall investigate whether compliance is had with the provisions of the Supreme Decree hereinbefore mentioned, as well as with these regulations.

16. The employé or officer charged by the customs collector with the inspection shall render a detailed report of all that may occur and which it may be expedient to remember.

VI.—*Inspectors of Fleets.*

17. The custom-house shall appoint one or two inspectors for each fleet.

18. These inspectors shall draw a salary of twenty dollars a month, which, with their board, shall be paid by the cruisers.

19. The following are the duties of the inspectors in connection with the police and the courts:

i. To take immediate action in case of crimes or offenses committed upon the vessels, committing the trespassers, under safe guard, to the competent authorities.

ii. To prevent smuggling.

iii. To prevent fishing outside of the district allowed.

iv. To prevent the extraction of mother shell.

v. To prevent cruisers from illtreating the divers or taking undue advantage of their work.

vi. To advise instantly the custom-house regarding any serious case which may occur, to which end they may occupy a small vessel, with the necessary crew, drawn from the fleet.

VII.—*Penalties.*

20. Any transgression against these regulations committed by the cruisers shall be punished by the customs collectors with a fine of not less than five dollars nor exceeding two hundred dollars, except in cases of smuggling, in which case the customs regulations shall be enforced.

21. These fines shall be deposited, and held in deposit, until the Department (Treasury Department) shall decide upon their legality, to which end the customs collector shall in each case submit a report.

Transitory.

All foregoing regulations are annulled.

Mexico, June 24, 1874.

MEGIA.

HOVERING ACTS.

GREAT BRITAIN.

[9. Geo II. Cap. 35. A. D. 1736.]

An act for indemnifying persons who have been guilty of offenses against the laws made for securing the revenues of customs and excise, and for enforcing those laws for the future.

* * * * * * *

XXII. *And be it further enacted by the authority aforesaid*, That from and after the said twenty-fourth day of *June*, one thousand seven hundred and thirty-six, where any ship or vessel whatsoever coming or arriving from foreign parts, and having on board six pounds of tea, or any foreign brandy, arrack, rum, strong waters, or other sprits whatsoever, in casks under sixty gallons (except only for the use of the seamen then belonging to and on board such ship or vessel, not exceeding two gallons for each seamen) shall be found at anchor or hovering within the limits of any of the ports of this Kingdom, or within two leagues of the shore, or shall be discovered to have been within the limits of any port, and not proceeding on her voyage, wind and weather permitting (unless in case of unavoidable necessity, and distress of weather, of which necessity and distress the master, purser, or other person having or taking the charge or command of such ship or vessel shall give notice to, and make proof of before the collector or other chief officer of the customs of such port as aforesaid immediately after the arrival of such ship or vessel into the said port) all such tea, foreign brandy, arrack, rum, strong waters, and spirits, together with the chests, boxes, and casks, and other package whatsoever, containing the same goods, or the value thereof, shall be forfeited and lost (whether bulk shall then have been broken or not) and the same goods and package shall and may be seized and prosecuted, or the value thereof sued for by any officers of the customs or excise in such manner and form as hereinafter is expressed; any law, statute, or custom to the contrary notwithstanding.

XXIII. *And whereas foreign goods are frequently taken out of ships at sea without the limits of any port, with intent to be fraudulently landed in this kingdom;* for preventing thereof, be it further enacted by the authority aforesaid, that in case any foreign goods, wares, or merchandizes shall, after the twenty ninth day of *September*, one thousand

seven hundred and thirty-six, by any ship, boat, or vessel whatsoever, be taken in at sea, or put out of any ship or vessel whatsoever, within the distance of four leagues from any of the coasts of this kingdom (whether the same be within or without the limits of any of the ports thereof) without payment of the customs and other duties due and payable for the same (unless in case of apparent necessity or some other lawful reason, of which the master or other person having charge of such ship, vessel, or boat so taking in the same shall give immediate notice to and make proof before the chief officer or officers of the customs of the first port of this kingdom where he shall arrive), such goods, wares, and merchandizes shall be forfeited and lost, and the master or other person having charge of such ship, vessel, or boat so taking in the same and all such persons who shall be aiding, assisting, or otherwise concerned in the unshipping or receiving of the said goods, wares, or merchandizes shall forfeit treble the value thereof; and the ships, boats, or vessels into which the said goods, wares and merchandizes shall be unshipped and taken in shall also be forfeited and lost, any ship, boat, or vessel, so to be forfeited and lost not exceeding the burthen of one hundred tuns; and the master, purser, or other person taking charge of such ship or vessel out of which such goods shall be taken (unless in case of such apparent necessity or other lawful reason, whereof notice shall be given by him, and proof be made as aforesaid) shall also forfeit treble the value of the goods so unshipped as aforesaid; which forfeitures shall be divided and recovered in such manner as is hereinafter mentioned.

UNITED STATES.

SEC. 2760. The officers of the revenue-cutters shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose. They shall go on board all vessels which arrive within the United States or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessels until they arrive at the port or place of their destination.

SEC. 2867. If after the arrival of any vessel laden with merchandise and bound to the United States, within the limits of any collection-district or within four leagues of the coast, any part of the cargo of such vessel shall be unladen, for any purpose whatever, before such vessel has come to the proper place for the discharge of her cargo, or some part thereof, and has been there duly authorized by the proper officer of the customs to unlade the same, the master of such vessel and the mate, or other person next in command, shall respectively be liable to a penalty of one thousand dollars for each such offense, and the merchandise so unladen shall be forfeited, except in case of some unavoidable accident, necessity, or distress of weather. In case of such unavoidable accident, necessity, or distress the master of such vessel shall give notice to, and, together with two or more of the officers or mariners on board such vessel, of whom the mate or other person next

in command shall be one, shall make proof upon oath before the collector, or other chief officer of the customs of the district, within the limits of which such accident, necessity, or distress happened, or before the collector, or other chief officer of the collection-district within the limits of which such vessel shall first afterward arrive, if the accident, necessity, or distress happened not within the limits of any district, but within four leagues of the coast of the United States. The collector or other chief officer is hereby authorized and required to administer such oath.

SEC. 2868. If any merchandise, so unladen from on board any such vessel, shall be put or received into any other vessel, except in the case of such accident, necessity, or distress, to be so notified and proved, the master of any such vessel into which the merchandise shall be so put and received, and every other person aiding and assisting therein, shall be liable to a penalty of treble the value of the merchandise, and the vessel in which they shall be so put shall be forfeited.

ST. HELENA ACT.

[56 Geo. III, Cap. 23. 11th April, 1816.]

AN ACT for regulating the Intercourse with the Island of *St. Helena*, during the time *Napoleon Buonaparté* shall be detained there; and for indemnifying Persons in the Cases therein mentioned.

* * * * * * *

IV. And be it further enacted, That it shall and may be lawful to and for the Governor, or in his Absence the Deputy Governor of the said Island for the time being, or for the Commander for the time being of His Majesty's Naval or Military Forces stationed off or at the said Island, respectively, and the Persons acting under his or their Orders and Commands, respectively, by all necessary Ways and Means to hinder and prevent any Ship, Vessel, or Boat, Ships or Vessels or Boats, (except Ships and Vessels of and belonging to or chartered by the said United Company of Merchants, and also duly licensed by the said Company for that Purpose, as hereinbefore mentioned,) from repairing to, trading, or touching at the said Island, or having any Communication with the same; and to hinder and prevent any Person or Persons from landing upon the said Island from such Ships, Vessels or Boats, and to seize and detain all and every Person or Persons that shall land upon the said Island from the same; and all such Ships, Vessels or Boats (except as above excepted) as shall repair to, or trade, or touch at the said Island, or shall be found hovering within Eight Leagues of the Coast thereof, and which shall or may belong, in the Whole or in Part, to any Subject or Subjects of His Majesty, or to any Person or Persons owing Allegiance to His Majesty, shall and are hereby declared to be forfeited to His Majesty, and shall and may be seized and detained, and brought to *England*, and shall and may be prosecuted to Condemnation by His Majesty's Attorney General, in any of His Majesty's Courts of Record at *Westminster*, in such manner and form as any Ship, Vessel or Boat may be seized, detained, or prosecuted for any Breach or Violation of the Navigation or Revenue Laws of this Country; and the Offence for which such Ship, Vessel or Boat shall be proceeded against shall and may be laid and charged to have been done and committed in the County of *Middlesex;* and if any Ship, Vessel or Boat not belonging, in the Whole

or in Part, to any Person or Persons the Subject or Subjects of or owing Allegiance to His Majesty, his Heirs and Successors, shall repair to, or trade or touch at the said Island of *Saint Helena*, or shall be found hovering within Eight Leagues of the Coast thereof, and shall not depart from the said Island or the Coast thereof when and so soon as the Master or other Person having the Charge and Command thereof shall be ordered so to do by the Governor or Lieutenant Governor of the said Island for the time being, or by the Commander of His Majesty's Naval or Military Force stationed at or off the said Island for the time being, (unless in case of unavoidable Necessity, or Distress of Weather,) such Ship or Vessel shall be deemed Forfeited, and shall and may be seized and detained and prosecuted in the same manner as hereinbefore enacted as to Ships, Vessels or Boats of or belonging to any Subject or Subjects of His Majesty.

QUARANTINE ACT OF 1825.

[6 Geo. IV, C. 78, Secs. 2, 8, 9. 27th June, 1825.]

AN ACT to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof.

* * * * * * *

II. And be it enacted, That from and after the First Day of *June*, One thousand eight hundred and twenty-five, all Vessels, as well His Majesty's Ships of War as others, coming from or having touched at any Place from whence His Majesty, His Heirs or Successors, by and with the Advice of His or Their Privy Council, shall have adjudged and declared it probable that the Plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects may be brought, and all Vessels and Boats receiving any Person, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Article whatsoever, from or out of any Vessel so coming from or having touched at such infected Place as aforesaid, whether such Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles, shall have come or been brought in such Vessels, or such Person shall have gone, or Articles have been put on board the same, either before or after the Arrival of such Vessels at any Port or Place in the United Kingdom, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, and whether such Vessels were or were not bound to any Port or Place in the United Kingdom or the Islands aforesaid, and all Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Article whatsoever on board of any Vessels so coming from or having touched at such infected Place as aforesaid, or on board of any such Receiving Vessels, or Boats as aforesaid, shall be and be considered to be liable to Quarantine within the Meaning of this Act, and of any Order or Orders which shall be made by His Majesty, His Heirs and Successors, by and with the Advice of His or Their Privy Council, concerning Quarantine and the Prevention of Infection, from the Time of the Departure of such Vessels from such infected Place as aforesaid, or from the time when such Persons, Goods, Wares, Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles shall have been received on board respectively. * * *

VIII. And be it further enacted, That every Commander, Master, or other Person having the Charge of any Vessel liable to the Performance of Quarantine, shall be and is hereby required, at all Times, when such Vessel shall meet with any other Vessel at Sea, or shall be within Two Leagues of the Coast of the United Kingdom, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, to hoist a Signal to denote that his Vessel is liable to the Performance of Quarantine, which Signal shall in the Day Time, if the said Vessel shall have a clean Bill of Health, a large Yellow Flag of Six Breadths of Bunting at the Maintop Masthead; and if such Vessel shall not have a Clean Bill of Health, then a like Yellow Flag with a circular Mark or Ball entirely Black in the Middle thereof, whose Diameter shall be equal to Two Breadths of Bunting; and in the Night Time the Signal shall in both Cases be a large Signal Lanthorn with a Light therein (such as is commonly used on board His Majesty's Ships of War), at the same Masthead; and such Commander, Master, or other Person shall keep such Signals respectively, as the Case shall be, hoisted during such Time as the said Vessel shall continue within Sight of such other Vessel, or within Two Leagues of the said Coasts or Islands, and while so in Sight, or within such Distance, until such Vessel so liable to Quarantine as aforesaid shall have arrived at the Port or Place where it is to perform Quarantine, and until it shall have been legally discharged from the Performance thereof; on Failure whereof such Commander, Master, or other Person having Charge of such Ship or Vessel so liable to the Performance of Quarantine shall forfeit and pay for every such Offense the Sum of One hundred Pounds.

IX. And be it further enacted, That every Commander, Master, or other Person having the Charge of any Vessel on board whereof the Plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects shall actually be, shall be, and is hereby required at all Times when such Vessel shall meet with any other Vessel at Sea, or shall be within Two Leagues of the coast of the United Kingdom, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, to hoist a Signal to denote that his Vessel has the plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects actually on board thereof, which Signal shall be in the Day Time a Flag of Yellow and Black, borne Quarterly, of Eight Breadths of Bunting, at the Maintop Masthead; and in the Night Time the Signal shall be Two large Signal Lanthorns, such as are commonly used on board of His Majesty's Ships of War, one over the other at the same Masthead; and such Commander, Master, or other Person shall keep such Signal hoisted during such Time as the said Vessel so having the Plague or such other infectious Disease or Distemper as aforesaid on board thereof shall continue within Sight of such other Vessel, or within Two Leagues of the Coast or Islands aforesaid, while so in Sight or within such Distance, until such Vessel so having the Plague or such other infectious Disease or Distemper as aforesaid on board thereof, shall have arrived at the Port or Place where it is to perform Quarantine, and until it shall have been legally discharged from the Performance thereof; on failure thereof such Commander, Master, or other Person having Charge of such Vessel shall forfeit and pay for every such Offense the Sum of One hundred Pounds.

OFFICIAL REPORTS.

REPORT TO SECRETARY OF TREASURY BY C. L. HOOPER, CAPTAIN UNITED STATES REVENUE MARINE.

PELAGIC SEALING.

UNITED STATES REVENUE STEAMER CORWIN,
St. Paul, Kodiak Island, Alaska, June 14, 1892.

HON. SECRETARY OF THE TREASURY,
Washington, D. C.:

SIR: I have the honor to transmit herewith the following additional notes upon pelagic sealing, trusting that it may prove of interest to the Department. The duties of the vessel, when constantly cruising, require so much of my time that I have been unable to make a full report upon this subject as I had hoped to do.

During my cruise, which began March 9 and ended May 16, I endeavored by every means at my command to give information in regard to pelagic sealing, and while the time has been much too brief to give the matter a thorough and comprehensive investigation, I have been able to gather some facts. The affidavits of more than 200 men, more or less familiar with pelagic sealing, were taken and transmitted to the Department, and while these affidavits differ some in different localities, they are in the main the same and confirm my own observations. Among these 200 men whose statements were taken under oath, many of whom had spent their life hunting fur seal, not one was found who had ever known of a fur seal hauling out upon the land or outlying rocks or islands upon the coast of California, Oregon, Washington, British Columbia, or Alaska, except upon the Pribilof Islands. Neither have they ever known a fur seal to bring forth its young upon the kelp or in the water or upon any of the coasts mentioned, except the Pribilof Islands.

Observations confirm affidavits.

Seals do not land on coast.

My observations of the fur seal began on the Pribilof Islands in 1869, and I have visited the islands since at intervals. Last year, 1891, I cruised during July and August in the vicinity of the islands, and examined the rookeries carefully from the vessel and from the shore. To the best of my belief there were not one-fourth part as many seals there last year as when I first visited the islands in 1869 and 1870. That the fur seals both in Bering Sea and the Pacific Ocean are becoming less each year there can be no doubt, and unless the indiscriminate slaughter is stopped, they will soon become extinct in the waters named.

Decrease of three-fourths since 1870.

In this connection I wish to state that in my judgment by far the greater slaughter and waste of seal life takes place in the Pacific Ocean, where they are constantly hunted and harassed from the time they arrive off the coast of California in January until they enter Bering Sea in June and July. There are this season probably 700 boats or canoes engaged in hunting fur seals in the Pacific Ocean along the American coast; many of them commenced hunting in January or February off the coast of California and Oregon, and have kept it up continually, following the seals in their movements northward until at the present time they are in the Alaskan Gulf between the St. Elias region and the Aleutian Island passes, toward which the seals are making their way, frightened and exhausted after four months' constant effort to escape the spear and shotgun of the hunter.

Slaughter in Pacific Ocean.

Sealing off California coast.

The seal catch in the Pacific Ocean of the Victoria sealing fleet alone up to the 12th instant was estimated at 30,000. Victor Jacobson, master of the British sealing schooner *Mary Ellen*, one of the oldest sealers out of Victoria, who furnished me with this estimate, declared it as his belief, based upon what he knew about sealing, that the 30,000 seals taken represent a loss of over 100,000 seals on account of the killing of unborn young, and the loss by sinking and wounding past recovery. The American sealers have probably been equally destructive. This destruction is increasing yearly, not only in the ratio of the increase in the number of vessels, but by reason of the increased experience and knowledge of the habits of the seal by the hunters, and each vessel is able to take more seals than formerly, notwithstanding the fact that seals are becoming less each year. The route of the fur seal after it first appears off the coast of California in January is well known; all their feeding places are known and carefully watched; indeed, the entire route of travel is carefully watched and patrolled every day that the condition of wind and waves will permit. Long practice has made the eyesight of the hunter keen, and his knowledge of the habits of the fur seal perfect. If but one seal attempted to follow the route usually taken by the seal herds, I doubt if it could escape capture, so thorough is the watch that is kept for them. Until recently the old bulls that inhabit the breeding rookeries have not been killed by the hunters, as the skin is of no value; now, however, a use has been found for the old bull, its skin brings the same price as any other, and it is being hunted and killed with the rest. They are found in large numbers off Yakutat and the vicinity of Middleton Island. The American schooner *Henry Dennis*, previously reported by me as takin gold male seals of Yakutat, arrived at this place a few days since with over 1,600 skins, having taken about 1,000 since we spoke her on the 23d of April between the points named. Of these I am told that many were very large old males. The breeding females, pups, and young males are hunted and killed from the time they reach the coast of California until they enter Bering Sea, and the older males and old bulls that inhabit the breeding rookeries are being killed upon their feeding grounds in the Alaskan Gulf.

Large catch in Pacific.

Mary Ellen.

Waste of life.

Pelagic sealing on the increase.

Henry Dennis, 1892.

Sealing off coast.

With this condition of affairs existing in the Pacific Ocean, it is easy to understand that no amount of protection to the fur seal in Bering Sea will prevent their becoming extinct in a few years. They must be protected in the Pacific Ocean also, or the day of the fur seal is numbered.

Protection in Pacific Ocean necessary

Wages of sealers, etc.

The sealing on the coast of California and Oregon is done by schooners manned by white men and properly fitted for remaining at sea in all weathers. Many of these schooners are part of the Bering Sea fleet. There appears to be no fixed rate of compensation for the crews of these vessels, each owner makes his own bargain. The hunters are paid by the skin. The master, as a rule, is paid by the month at $75 or $100, although some receive a share of the catch. Many of the larger vessels carry two mates, who receive $60 and $45 per month, respectively. The cook receives $50 or $60, according to the size of the vessel; the hunters receiving from $3.50 to $4 per skin this year. The boats' crews, called boat-pullers and boat-steerers receive $25 to $30 per month, or 25 cents per skin, and $15 per month, or 60 cents per skin without monthly pay. The vessel furnishes food, and, it is said, feed the men fairly well. The hunters live in the cabin with the master. Their duty consists entirely in shooting seals. They have nothing to do with the working of the vessel, and do not even take off or salt skins of the seals caught by themselves.

Sealing boats.

The boat in general use by the sealers is what is known as an otter boat, as it was first used by the sea-otter hunters. It is from 18 to 24 feet in length, sharp ends, with rounded bottom, and easy, graceful lines to enable it to go through the water with as little noise as possible. The boat is fitted with two pairs of short oars or sculls and two sails. A mainsail, which is fitted to hoist and lower on the mast, and a jib. The latter impress me as being in the hunter's way and altogether inconvenient, but they are invariably used. Although they cruise under sail a great deal, the hunter has a prejudice against the centerboard, and very few boats are fitted that way. It is claimed that the centerboard makes a noise, and in approaching a sleeping seal silence is of the first importance.

Crews.

A boat's crew consists of three men, the hunter who stands forward, the boat-puller who sits amidships and pulls, and the boat-steerer who stands or sits near the stern of the boat facing forward and pushes and steers the boat with the sculls at the same time, as directed by the hunter by word or sign.

Shotguns.

Each boat is furnished with two shotguns, and many in addition carry a Winchester rifle. Only the best breech-loading shotguns are used. The 10-gauge hammerless Parker is a favorite. The charge is 4 to 5 drams of powder and 21 No. 2 or 28 No. 3 buckshot in brass shells, paper shells being kept in the boat absorb moisture, swell up, and will not enter the gun.

In getting our sealing outfit in San Francisco I bought paper shells, but soon found that they would not answer the purpose, for this reason, the guns and ammunition are generally furnished by the vessel, but some hunters prefer to use their own guns and to prepare their own ammunition. The larger vessels carry six regular boats on deck, and a boat hoisted at the stern, which in moderate weather and when seals are near the vessel is used by the master.

Mode of sealing.

In weather suitable for sealing, all boats are lowered about 6 a. m., to give them an opportunity to separate and get well away from the vessel before the seals begin to sleep. If there is a breeze, sail is made at once; if not, oars are used, the rowers bending to their oars with a will, while the hunter stands erect in the bow of the tiny craft, his gun in hand, scanning the sea carefully in every direction,

Indiscriminate killing.

bent upon the destruction of any seal that fate might throw in his way, whether old, young, male, or female, it matters not to the hunter, he is paid so many dollars for a seal skin,

and all count. Upon leaving the vessel the boats always work to windward, as sleeping seals can only be approached from the leeward side. If under sail and a sleeper is seen sail is immediately taken in and the sculls used. The vessel follows the boats under short sail, and endeavors to keep them in sight, or at least know in what direction they are. In this they are not always successful, as the boats sometimes get separated from the vessel and are picked up by other vessels after several days' possessive exposure, and cases are not wanting of boats having been lost entirely. Sealing boats seldom leave the vessel without a supply of food and water sufficient for a day or two. They are also fitted with a compass. Traveling or playing seals are shot at and occasionally secured, but a large majority of seals taken are killed while asleep. Seals sleep in the daytime and in good weather only. The time of day they go to sleep depends upon the state of the weather and condition of the sea then and in the immediate past. If they have been kept awake by bad weather they go to sleep earlier than they do in a long spell of good weather. Generally on a moderate day they are found sleeping if found at all from 9 to 11 o'clock in the forenoon, and until 5 or 6 o'clock in the afternoon, and sometimes later. After they are awake if the weather is particularly fine, they remain rolling and playing on the water, and are not difficult to kill if approached very cautiously. But they are exceedingly wary, either sleeping or waking, and great skill and caution is required to secure them.

Seals sleeping.

The seal lies upon his back while sleeping, with his nose out of water, his flippers folded or slightly raised, and his head to leeward; his muscles are apparently relaxed, and his head swings from side to side with each undulation of the waves. Whether he keeps his head to leeward of his body from choice, or his head being the only part exposed he assumes that position in obedience to the action of the wind, I am unable to state. I am assured by all hunters that such is the fact, and that when sleeping during light baffling airs the seal changes his position with each change of the wind, no matter how slight, and without showing any signs of conscious action. As stated, the boat approaches the seal from the leeward side, rowing up to him as silently as possible. With a light breeze blowing, the seal sleeping soundly, and all the conditions favorable, the hunter can select his own distance. He approaches within 10 to 20 yards and shoots the seal in the side of the head as it is moved from side to side by the action of the sea, and easily kills it. The boat being so near the seal and head to, and the men all ready to "give way," only a few seconds of time are required to get the seal into the boat, and but few are lost. But the conditions are not always so favorable. The seal is a very light sleeper at best and awakes at the slightest sound, and during a long-continued spell of fine weather, it becomes exceedingly wakeful, and it is with difficulty that it is approached near enough to kill. As a hunter is trying to get within shooting distance, if the sleeping seal shows signs of waking, he does not hesitate to shoot because he may possibly miss it or because the seal is so far away that if killed it may sink before the boat can reach it; he gives himself the benefit of the doubt, and shoots whenever in his mind there is a possibility of killing, no matter how remote the possibility may be. An accidental shot may kill the seal and bring to the hunter $4. "A seal has no value until he is captured" is a common saying among the sealers. A miss costs the hunter nothing.

Method of taking seals.

Neither do they confine themselves to shooting at sleeping seals, but shoot at everything that comes within possible range, and remain above water long enough for the hunter to get his gun to his shoulder. If the distance is too great for the shotgun the rifle is substituted. The chances of missing entirely or only wounding a seal increase with the increased distance, and if killed the chances of the seal sinking before it can be reached by the boat also increase with the distance, on account of the greater time required to get to it. Therefore, while the percentage of loss by sinking of seals shot while sleeping is comparatively small, the lost by sinking and wounding past recovery of seals shot at in the water under all conditions is considerable. The estimated percentage of loss of seals in this way, as shown by the average of the affidavits of sealers, both white and Indian, is about 37½ per cent. The actual percentage of loss by us by sinking and wounding of seals shot was 46 per cent. The estimated loss as shown by the affidavits of the sealers vary greatly, some claiming little or no loss and others admitting as high as 50 per cent. I account for these discrepancies by supposing, first, that the percentage of loss differs with different men and under different conditions. That the sealers are not close observers, and are only interested in those they secure, and that those who claim no losses do not tell the truth. We know positively by our own experience that there are losses—some seal shot by our hunters sunk immediately. On the coast of Washington sealing begins in March and is carried on in small schooners manned by Indians. They hunt in canoes, each canoe containing two men. They are propelled by sail and paddles, and while they all carry shotguns and rifles they depend almost entirely upon the spear, with which they are very expert.

Reckless shooting.

Waste of life.

The schooners take from eight to fifteen canoes on deck, according to the size of the vessel. They remain at sea as long as the weather remains suitable for sealing, and cruise within a radius of 80 or 100 miles of Cape Flattery. The Indians furnish canoes and outfits, spears, paddles, guns, ammunition, and their own food, fuel, and water, and receive two-thirds of the catch, the vessel taking one-third and buying the other two-thirds from the Indians. Some of these vessels, after the close of the sealing season off Cape Flattery, fit out for Bering Sea. The schooner *Lotta*, of about 30 tons, owned and commanded by an Indian crew, has been three seasons in Bering Sea; she carried six canoes, and made a good catch each time. Many of the Neah Bay Indians are in good circumstances, the result of successful seal hunting. Two of the Indian hunters taken on board the *Corwin* at Neah Bay, Klahosh and his son Schuyler Colfax, while at Sitka bargained for the schooner *Ethel*, seized by this vessel in Bering Sea last year, now owned at Sitka and named the *Clara*. She is to be delivered to them on Puget Sound at the end of the present sealing season on the coast for the sum of $750. Later in the season the Indians at Quillehute and Neah Bay go out from the land sealing in their canoes; also from the harbors on the south and west coast of Vancouver. The Vancouver Indians go out somewhat earlier than the others, for the reason that the seals come nearer the coast, and are not compelled to venture so far from shore in the treacherous weather of early spring. Two men constitute a crew for a Vancouver Island or Cape Flattery canoe. They seldom remain out over night. The Quellehute canoes carry three men,

Sealing off coast

Lotta.

Ethel.

Clara.

Indian sealing.

and on account of the much greater distance they are compelled to go to find seal are often kept out over night.

Many of the Vancouver Island Indians are taken out as sealing crews on the Victoria sealing schooners. The schooner *Rosie Olsen*, boarded by us May 13, had a crew consisting of Vancouver Indians. Each canoe receives $3 for each skin taken by her, or $1.50 per man, and a bounty of $25 a canoe for the season. The chief or head man receives $120 for engaging the canoes. *Rosie Olsen*, 1892.

Owing to the later arrival of spring and pleasant weather farther north, the sealing season there begins later. At Sitka they made the first sealing trips in canoes about May 1. On account of the uncertainty of the weather they dared not venture out earlier. We saw numerous seals off the entrance to Sitka Sound early in April, and so reported to the Indians at Sitka, but even this was not enough to tempt them outside until the arrival of settled weather. At Hooniah about the middle of April we were told that hunters were out after hair-seal and fish for use on a seal and sea-otter hunting trip which they proposed to undertake some weeks later.

On our arrival at Capes Chacon and Muzon, on the north side of Dixon's Entrance about May 11, we found large numbers of Indian seal-hunters from various parts of Alaska, and from British Columbia and Queen Charlotte Island encamped waiting for moderate weather to begin sealing. They arrived on the ground about May 1, and said they would return to their home sometime in June, as the seal would then be gone. But three seals had been taken at Cape Chacon, and two at Cape Muzon. Indian sealers.

A crew for a hunting canoe at Cape Chacon consists of four men. The Cape Muzon canoes, which are larger and go farther to sea in search of seals, carry six men. The hunter is in charge, and employs the other men. They use the spear but little, depending almost entirely upon the gun, and what seems most remarkable, they use the Hudson Bay musket, a single-barreled muzzle-loader of large bore, instead of the fine double-barreled breechloader in use by the white hunters and the Neah Bay and other Indians.

In regard to the migration of the seal, from all I have learned I am of the opinion that the seals upon leaving the Pribilof Islands, make their way to the coast of California and Oregon in much less time than is generally supposed. The females and young leave first, commencing in October. The younger males follow, and, I am convinced, join and remain with the females until they return to the islands, although it appears that they do not haul out at the same time as the females. We found the females, yearlings, and two-year-olds of both sexes together at all times. I have been told by seal hunters that it is no unusual thing to find a young male keeping watch near a sleeping female; that when but two seals are seen together one is a young male and one a female, and that, if either, it is the female that is asleep. Migration.

It is well known that many seals, especially males, remain on the islands well into the winter. According to the statement of a hunter who was on board at the time, the British schooner *Borealis*, Hansen, master, raided Southwest rookery on St. Paul Island on the night of November 27, 1891, and took 480 seals, which would indicate that at that time seals were still plentiful on the island. *Borealis*, 1891.

I visited the Pribilof Islands about January 23, 1886, in command of the revenue steamer *Rush*, and was told that a "drive" had been made

the day previous to our arrival and 1,000 seals killed. Quite a large number of seals were on the rookeries at that time—all males I was told. We sailed on that cruise January 2 via Puget Sound about January 9. During the passage from Puget Sound to Unimak Pass, after clearing the land we saw fur-seals nearly every day. These were probably some of the last to leave the islands, and were on their way to the American coast in search of food and a milder climate. Those which left earlier were already upon the coast. As shown by the affidavits of the sealers, they begin to take seals on the coast of California in January. The climate and food supply undoubtedly control the migration of the seals as they do other animals. The old males being hardier and stronger can withstand the climate and secure food under conditions that would be unendurable for females and young. Male seals remain upon and around the islands until the ice appears. The natives say the codfish also disappears with the first appearance of ice. Many of these males, I believe, remain upon the fishing banks in Bering Sea during the rest of the winter Some of them go to the banks outside of the Aleutian chain, and others to the banks farther east.

Sealing off coast.

Old bulls are rarely seen south of Cross Sound, while we found them plentiful and apparently in peaceful possession of a liberal supply of red-rock fish about 75 miles off Yakutat.

As the cold weather approaches, the females and young leave Bering Sea, and about two months later appear off the American coast, where they find a genial climate and an abundance of food. They appear on the coast of California and Oregon simultaneously with the smelt and herring. As I previously reported, we learned upon our arrival at Astoria, March 18, that the smelt had come and gone; that they were unusually early this year. We were told by the sealers off the coast at that time, and our observations confirmed it, that the seals were moving north unusually early. On the coast of Alaska in April and May, when according to our observations and the testimony of the Indians seals are most plentiful, we found the bays filled with herring, smelt, and eulachon.

Migration.

I am, very respectfully, your obedient servant,

C. L. HOOPER,
Captain, United States Revenue Marine.

REPORT OF JOHNSTONE H. QUINAN, SECOND LIEUTENANT UNITED STATES REVENUE MARINE.

PELAGIC SEALING.

UNITED STATES REVENUE STEAMER CORWIN,
Sitka, Alaska, May 4, 1892.

Capt. C. L. HOOPER, U. S. R. M.,
Commanding:

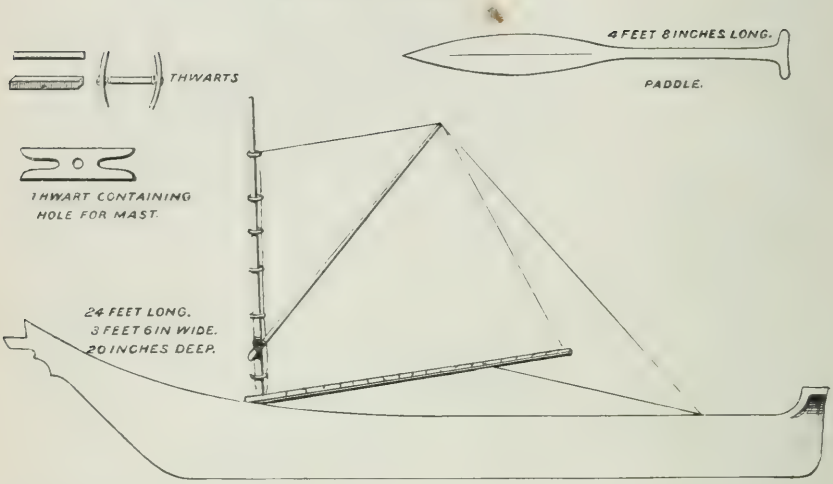
SIR: I herewith respectfully offer the following notes relative to pelagic sealing derived from observation and personal experience.

Experience.

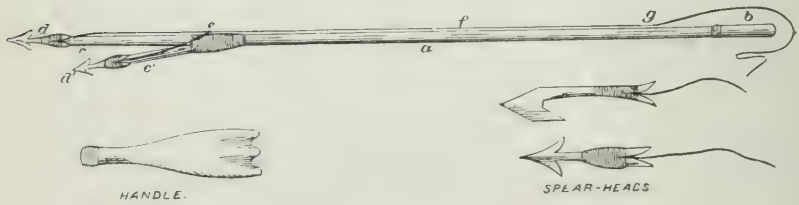
In obedience to your orders I accompanied two Neah Bay Indians, Chad and Wilton by name, May 1st and 2d, off Sitka Sound, to hunt seal. The canoe we used is of the Neah Bay type, hollowed out of white cedar, 24 feet long, 3½ feet beam, and 20 inches deep, braced by thwarts secured to the sides

Seal-hunting with Indians.

NEAH BAY SEALING CANOE.



SPEAR.



Length of spear,	12 feet.
" " handle,	6 inches.
" " Long prong,	2 feet 6 inches.
" " Spear head,	6 inches.
" " Total,	15 feet 6 inches.
" " Line,	12 fathoms.
Diameter of spear,	2 inches.

J. H. Quinan

by cedar twigs, the stern rising abruptly 10 inches and stem projected forward and rising gradually to 2 feet above the gunwale, the latter terminating in a figurehead, which, with the long prow, resembles some fanciful animal, not unlike a giraffe. In this head is cut a notch, on which the spear rests when ready for use. A rifle, shotgun, spear and line, mast and sail, two paddles, a pair of oars, gaff pole, short club, a prismatic-shaped wooden bailer, and a box of ammunition and bread completed the outfit. After leaving the ship, the Indians, one sitting in the stern with his paddle, and the other in the bow with his oars pulled to windward, this being invariably the rule, as it is in this direction the seal must be approached. We had pulled several miles without seeing anything, when suddenly the steersman gave the canoe a shake and pointed in silence to a seal 75 yards distant, lying on its back in the water, apparently asleep. Its flippers were raised in the air and moving listlessly from side to side, as if fanning itself. The bowman took in his oars and substituted the paddle, and the canoe glided noiselessly toward the unconscious seal. When within 40 yards of it the after paddle alone was used, and the bowman stoody ready with the shotgun. It was soon seen that the seal's head was under water. The Indians told me afterward that it was only drowsing and looking for fish. Whether this be a fact or not I do not know. In this position a seal is said to be "finning."

Seal floating.

During all this time not a word was spoken, and so noiselessly did the canoe glide that we got within 10 yards of it and the hunter fired, pouring a charge of buckshot into its breast. The seal, to my great astonishment, was not killed, but gave us one surprised look and instantly dived out of sight. It rose again 50 yards off, gave us another look and a second time disappeared. Then followed a chase to windward, the Indians dexterously applying their paddles in that direction. Three times it disappeared and reappeared before it was finally shot and captured. Even then it was necessary to use the club to kill it. One hook with the gaff, a sudden pull, and the unfortunate seal was in the canoe.

Method of killing.

The oars and paddles were again used and we continued on our way. The next seals we sighted were three in number, asleep on their sides and backs on a bunch of kelp, their favorite resting place. Their fore and hind flippers were visible, the former closed on their breasts; their heads were lying to leeward, and moving slowly from side to side. In this position a seals sleeps soundly. When its head ceases to move, it is an indication that it is waking up, and this is the time to shoot. The canoe this time approached from a point nearly at right angles to the wind, so as to get a good shot. The most vulnerable place is in the neck just back of the head. One of the three was instantly killed, another shot and killed after diving and re-appearing, and the third escaped. The first one was allowed to float until the second was secured, occupying a space of about twenty seconds.

The time it requires a seal to sink depends upon the character of the seal and the place in which it is shot. Some sink instantly, while others float for two or three minutes, and possibly longer. Gravid cows, that is, cows that are heavy with young, sink more slowly than males, and seals that are lean more rapidly than those that are fat. If the lungs of a seal which has been killed retain air it will float for quite a while.

Sinking of seals.

The best time for hunting seal is a good day following a protracted spell of bad weather. In a very rough sea seals can not sleep, but

merely lie on the surface and lazily roll over and over; hence the term "roller."

After securing our third seal we set the sail, which consists of a sprit-sail bent to a mast which can be easily stepped and unstepped. After sailing a few miles we sighted several more seal asleep on kelp, and took in the sail and proceeded under paddle alone. This is always done, as the canoe is more easily handled and the flapping of the sail is liable to frighten the seal. We succeeded in getting within 40 yards, when one of the group, which was awake, gave the alarm. Instantly the Indian fired, wounding it in the head, but they all escaped.

As a rule it is an easy matter, especially for a canoe, to get within 10 yards of a sleeper. Sometimes the hunters can almost touch them with the spear. Out of sixteen seals which we saw, twelve were asleep, and four playing. We killed and captured three, all of which were cows, wounded three, which escaped, and missed two. The shotgun was used exclusively in all cases but one, when the rifle was used at long range. The Indian hunter, Wilton, who did the shooting, is considered a good shot, and this is about the percentage, he tells me, which he usually gets. The Indians are more expert with the spear and seldom miss with that weapon. They use it, however, only on sleepers. They were very anxious to use the spear instead of the gun, but I would not allow them, in accordance with your instructions, since white hunters use the gun exclusively, and it was desired to learn what percentage of those shot escaped and are lost by sinking.

No shotgun used.

Percentage caught.

For the information of those who do not know I will describe the spear and manner of using it. I refer you to the drawing. The spear is made of wood and consists of four parts, viz, (*a*) made of fir, 12 feet long, 1 inch in diameter, handle (*b*) and two prongs (*c*) and (c^1) made of the branches of crab apple, one 30 inches, and the other 15 inches in length. Over the ends of these prongs fit spearheads (*d*) and (d^1) made of elk horn and old files. To each spearhead is fastened a stout sinew or cord (*e*), procured from the tail of the whale and served with twine. These are only a few feet long, and form a bridle to which is attached a stout codline (*f*) 12 fathoms long. The horn of the spearheads, to which this sinew is attached, is covered with a thick coat of spruce gum to keep out water and prevent rotting. When the spear is used the line is drawn taut along the spear, a kind of hitch or slipknot taken over a cleat or lug (*g*) and the end of the line made fast to a thwart in the head sheets of the canoe, the rest of the line coiled down neatly for running. The bowman rests the spear in the notch at the head of the canoe until almost within spearing distance; he then raises it with his left hand, grasping it at the handle (*b*) with his right, the first two fingers in the notches, which are set in a plane perpendicular to that of the prongs. The longer prong is always uppermost, so that in case it misses its prey the shorter will do its cruel work.

Hunting with spears.

As soon as a seal is struck the spear detaches itself from the line and spearheads and floats on the water. Then commences a struggle and a scene such as follows the catching of a shark or other large fish. If the seal is not a formidable one it soon tires itself out and is dragged to the canoe to be clubbed to death. If it be of a larger growth, an old bull, for instance, and show fight, it is necessary to shoot him before he can be captured. On one occasion an old bull, in his terrible fury, bit a small piece out of the side of the canoe.

Shooting necessary.

The Indians do not like to resort to the gun unless absolutely necessary, as firing frightens other seal which may happen to be in the vicinity.

I inclose rough drawings showing canoe, with mast and sail, paddle, thwarts, spear, and line.

Very respectfully,

JOHNSTONE H. QUINAN,
Second Lieutenant, United States Revenue Marine.

Subscribed and sworn to on this 5th day of May, 1892.

A. W. LAVENDER,
United States Treasury Agent.

REPORT OF LEVI W. MYERS, UNITED STATES CONSUL AT VICTORIA, BRITISH COLUMBIA.

CANADIAN PELAGIC SEALING INDUSTRY.

No. 156.] CONSULATE OF THE UNITED STATES,
Victoria, British Columbia, April 29, 1892.

Hon. WILLIAM F. WHARTON,
Assistant Secretary of State, Washington, D. C.:

SIR: In obedience to your instruction No. 51, I have prepared a report showing the extent of the Canadian industry engaged in pelagic sealing during the season of 1891. It includes the names of the vessels, their tonnage, number of men in the crews, white and Indian, and the value of the vessels as nearly as could be estimated by experts, two of whom certify to the fairness of the estimates, and whose certificates are attached and made a part of the report. These experts, I may say, are both past middle life and have been actively engaged in vessel-building for more than a quarter of a century. They are fair, impartial mechanics, who have no special interest either in under or over-valuation, and I regard their judgment as fair and reasonable. Mr. Stevens, especially, is often employed by the Government in examining and reporting on vessels and is regarded an authority. One expert consulted placed the value of the fleet of 1891 at less than $170,000, saying several of the vessels were so old that they were hardly worth anything beyond what their tackle could be sold for, but I did not think best to confuse the report with two valuations.

Summary of report.

Value of Canadian sealing fleet.

In order to get the judgment of experts, I consulted Samuel Turpel, the proprietor of Turpel's Ways, but he at once said he could not certify to any list of valuations, for the reason that he built and repaired schooners, and that any valuation within reason, that could be made, would be sure to give offense to some one, and that he did not want to do that. He hastily glanced over the list I showed him and reported to the sealers that I was placing prices too low, saying I had valued the *May Belle* at $4,000, while the price I give in the report is $5,500. No other of my estimates are known, nor is it known for what purpose I sought values at all, yet I learn that to-day the sealers are getting up a protest against my estimates, although they do not know what they are, and that it is to be sent to Ottawa.

When Turpel gave his statement to the press yesterday, two reporters came to my office, and caricatured what was said in a short conver-

sation, in the Daily News of this morning, which I make Exhibit A* of this dispatch. The exceeding sensitiveness of the sealing interest can hardly be appreciated by one who has not touched it. We have been cautious and prudent in all our movements and shall continue to be. I think the excitement of the day will pass away without further result.

The report for 1891, and the statement of previous years are made inclosures herewith.

I am, sir, your obedient servant,

LEVI W. MYERS,
Consul.

(Inclosures 2: Report for 1891; statement of previous years.)

BRITISH COLUMBIA SEALING INDUSTRY FOR THE YEAR 1891.

To the DEPARTMENT OF STATE,
Washington, D. C.:

In order to show the extent and value of the Pacific Ocean and Bering sea fur-sealing industry, represented at Victoria, and in the Province of British Columbia, I have prepared three tables of facts and statistics. These tables have been prepared with great care, and wherever it was possible are based on official information obtained at the custom-house in Victoria. They are as nearly accurate as they can be made.

Contents of tables.

The first gives the names of the British vessels that cleared from this port, and four others clearing from the port of Vancouver, with their tonnage and crews. The second table gives the name of each vessel and the "Coast," "Sand Point," "Bering Sea," and "total" catch of seals of each for the year 1891. The third table gives the names of vessels, their age, where built, and their estimated value.

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*NOTE.—It has not been deemed necessary to print the exhibit above referred to, it being merely a criticism in the Victoria *Daily News*, of April 29, 1892, of the Consul.

Table of vessels, tonnage, and crews.

Names of vessels.	Tonnage.	Number of crews.		
		Indians.	Whites.	Total.
Schooner Venture	48	18	4	22
Mascot	40	18	5	23
Maggie Mac	70	.....	23	23
Lilly	67	20	5	25
Triumph	98	.....	23	23
Sea Lion	50	.....	19	19
Beatrice (Victoria)	66	20	5	25
Aurora	41	20	4	24
Penelope	70	.....	20	20
Carmolite	99	.....	23	23
Ocean Belle	83	.....	23	23
Katharine	82	20	5	25
Annie C. Moore	113	.....	23	23
Mountain Chief	23	12	2	14
W. P. Sayward	60	22	5	27
Sapphire	124	28	6	34
Minnie	46	20	5	25
E. B. Marvin	117	.....	24	24
Teresa	63	.....	25	25
Martha	12	.....	5	5
Ariel	90	24	8	32
Pioneer	66	.....	23	23
Mary Ellen	63	24	8	32
Mary Taylor	43	.....	18	18
Viva	92	.....	23	23
Rosie Olsen	39	20	6	26
Wanderer	25	12	4	16
Kate	58	24	5	29
Steam-schooner Thistle	147	.....	27	27
Schooner Favorite	80	24	6	30
Walter L. Rich	76	.....	22	22
C. H. Tupper	99	.....	24	24
Oscar and Hattie	81	26	6	32
Carlotta G. Cox	76	.....	20	20
Geneva	92	.....	23	23
Letitia	28	11	.....	11
Umbrina	98	.....	23	23
Sierra	25	12	2	14
May Belle	58	.....	21	21
Winnifred	13	.....	8	8
Labrador	25	.....	10	10
Maude S.	97	.....	24	24
Laura	19	12	4	16
Henrietta	31	12	4	16
Borealis	37	18	5	23
Ainoko	75	22	6	28
Annie E. Paint	82	.....	20	20
Walter A. Earle	68	.....	22	22
Otto	87	6	7	13
Steam-schooner Eliza Edwards	37	.....	14	14
Schooner Vancouver Belle	73	.....	23	23
C. D. Rand	52	.....	23	23
Beatrice (Vancouver)	49	.....	19	19
Total	3,353	415	722	1,167

In the preceding year, 1890, the number of vessels clearing from this port was 29, carrying 678 men. The number of vessels clearing from this port in 1891 was 49, with 4 additional vessels from Vancouver, carrying a total of 1,167 men. The fleet of 1891 was increased by additions from Nova Scotia, one or two from Japan, by changes from the American to the British flag, and by those built in British Columbia.

Increased number of vessels in 1891.

Table of catches.

Names of vessels.	Catch of 1891.			
	Coast.	Sand Point.	Bering Sea.	Total.
Schooner Venture			659	659
Mascot	7		72	79
Maggie Mac	137	548	3	688
Lilly*				
Triumph	176	666	171	1,013
Sea Lion	354	584	82	1,020
Beatrice (Victoria)	59	136	876	1,071
Aurora	53	340	47	440
Penelope	229	410	691	1,330
Carmolite		751	1,639	2,390
Ocean Belle	170	568	1,170	1,908
Katharine		191	1,224	1,415
Annie C. Moore	46	442	1,588	2,076
Mountain Chief	21			21
W. P. Sayward	178	734	801	1,713
Sapphire	30	974	2,435	3,439
Minnie	308	373	22	703
E. B. Marvin	276	462		738
Teresa		307	985	1,292
Martha*				
Ariel			1,082	1,082
Pioneer	162	712	1,481	2,355
Mary Ellen	21	609	65	695
Mary Taylor	54	445	264	763
Viva		1,261	731	1,992
Rosie Olsen	40	176	52	268
Wanderer	7	200	330	537
Kate	32		1,100	1,132
Steam schooner Thistle	9	294	84	387
Schooner Favorite	35	337	2,381	2,753
Walter L. Rich		509	21	530
C. H. Tupper		235	374	609
Oscar and Hattie	54	409	65	528
Carlotta G. Cox		517	1,519	2,036
Geneva	3	224	267	494
Letitia	4			4
Umbrina		405	504	909
Sierra	886			886
May Belle		701	241	942
Winnifred	7		98	105
Labrador		374	216	590
Maud S.		394	1,030	1,424
Laura			61	61
Henrietta†				
Borealis		473	1,547	2,020
Ainoko		406		406
Annie E. Paint			154	154
Walter A. Earle	198	848	1,021	2,067
Otto			48	48
Steam schooner Eliza Edwards			50	50
Schooner Vancouver Belle			30	30
C. D. Rand			20	20
Beatrice (Vancouver)			344	344
Total	3,556	17,015	27,645	48,216

*Wrecked; no catch reported.
†Cleared as a sealer but took no skins. Presumed smuggler.

These figures were obtained from the custom-house in Victoria, and are official. They also compare with my own. A few of these skins were sold early in the fall to the Hudson's Bay Company and other local buyers, at from $15 to $18 per skin. After the October sales in London prices here, for the few sold, ranged from $12 to $13 per skin, and after the later sales in London they dropped down in Victoria to $8 or $10 per skin. At these last figures a very large proportion of the catch of the year was sold. The total number of skins taken was 48,216. At an average of $10 per skin, net price, the total value of the catch was $482,160. At these rates the value of the "coast catch" was $35,560, that of the "Sand Point" $170,150, and that of the "Bering Sea" $276,450.

Price of skins.

Value of different catches.

Table of values.

Names of vessels.	Tonnage.	Approximate age.	Where constructed.	Approximate value.
Schooner Venture	48	4 years	United States	$3,500
Mascot	40	14 years	British Columbia	2,000
Maggie Mac	70	6 years	Nova Scotia	6,000
Lilly	67	Very old	In United States	2,500
Triumph	98	10 years	Nova Scotia	5,500
Sea Lion	50	2 years	British Columbia	4,500
Beatrice (Victoria)	66	6 years	Japan	3,500
Aurora	41	3 years	British Columbia	3,500
Penelope	69	9 years	Japan	5,500
Carmolite	99	6 years	Nova Scotia	6,000
Ocean Belle	83	....do	.....do	5,000
Katharine	81	Very old		2,500
Annie C. Moore	113	8 years	Nova Scotia	8,000
Mountain Chief	23	Very old	British Columbia	1,000
W. P. Sayward	59	10 years	.....do	3,000
Sapphire	124	5 years	Nova Scotia	8,000
Minnie	46	3 years	British Columbia	3,500
E. B. Marvin	117	8 years	Maine, United States	9,500
Teresa	63	9 years	California, United States	3,500
Martha	12	Very old	British Columbia	900
Ariel	90	10 years	Nova Scotia	3,500
Pioneer	66	9 years	.....do	4,000
Mary Ellen	73	26 years	California, United States	3,500
Mary Taylor	42	Very old	.....do	2,500
Viva	92	6 years	Nova Scotia	7,000
Rosie Olsen	39	8 years	In United States	3,000
Wanderer	25	....do		2,000
Kate	58	11 years	British Columbia	2,500
Steam schooner Thistle	147	2 years	.....do	14,000
Schooner Favorite	60	8 years	.....do	4,000
Walter L. Rich	79	....do	Maine	4,000
C. H. Tupper	99	5 years	Nova Scotia	9,000
Oscar and Hattie	81	6 years	In United States	6,000
Carlotta G. Cox	76	1 year	British Columbia	7,500
Geneva	92	6 years	Nova Scotia	6,000
Letitia	28	Very old	Puget Sound, United States	1,000
Umbrina	98	4 years	Nova Scotia	7,000
Sierra	25	Very old	Puget Sound, United States	1,000
May Belle	58	1 year	British Columbia	5,500
Winnifred	13	Old	.....do	800
Labrador	25	2 years	.....do	2,500
Maud S	97	3 years	Nova Scotia	8,000
Laura	19	4 years	California, United States	1,500
Henrietta	31	6 years	Puget Sound, United States	2,500
Borealis	37	1 year	British Columbia	3,500
Ainoko	75	....do	Japan (poorly built)	4,500
Annie E. Paint	82	4 years	Nova Scotia	6,000
Walter A. Earle	68	Old	California, United States	4,000
Otto	87	10 years	Nova Scotia	4,500
Steam schooner Eliza Edwards	37	2 years	British Columbia	6,000
Schooner Vancouver Belle	73	1 year	.....do	7,000
C. D. Rand	52	....do	.....do	5,000
Beatrice (Vancouver)	49	2 years	.....do	4,500
Total valuation				203,200

UNITED STATES CONSULATE,
British Columbia, Victoria, April 27, 1892.

Certificate of consul.

I, Levi W. Myers, consul of the United States at Victoria, British Columbia, do hereby certify that the signature of W. J. Stephens at the foot of the writing hereunto attached, is his true and genuine signature made and acknowledged in my presence, and that the said W. J. Stephens is personally known to me; and I do further certify that he is a ship and schooner builder of many years experience, and fully competent to judge as to the value of vessels.

In witness whereof, I have hereunto set my hand and affixed the seal of the consulate at Victoria, B. C., this day and year next above written, and of the independence of the United States the one hundred and sixteenth.

[L. S.]

LEVI W. MYERS,
Consul of the United States.

[W. J. Stephens, ship and steamboat builder, Spratt's Shipyard, opposite Albion Iron Works. Residence, 34 John street.]

VICTORIA, B. C., *April 22, 1892.*

L. W. MYERS, Esq.,
United States Consul:

Statement by W. J. Stephens, shipbuilder.

DEAR SIR: Your favor duly received, and I would state that in my judgment the annexed valuation of schooners named is fair and approximately correct.

Yours, respectfully,

W. J. STEPHENS.

UNITED STATES CONSULATE,
Victoria, B. C., April 27, 1892.

Certificate of consul.

I, Levi W. Myers, consul of the United States at Victoria, B. C., do hereby certify that the signature of C. A. McDonald at the foot of the writing hereunto attached, is his true and genuine signature, and that the said C. A. McDonald is personally known to me; and I do further certify that he is a ship and schooner builder of many years' experience, and fully competent to judge as to the value of vessels.

In witness whereof I have hereunto set my hand and affixed the seal of the Consulate, at Victoria, B. C., this day and year next above written, and of the independence of the United States the one hundred and sixteenth.

[L. S.]

LEVI W. MYERS,
Consul of the United States.

VICTORIA, B. C., *April 25, 1892.*

Statement by C. A. McDonald, shipbuilder.

This is to certify that I am a master shipbuilder and do consider that I am a competent person to judge of the value of vessel or ships, and I do think that the value placed upon the schooners of the list shown me is a fair, impartial value of them.

C. A. MCDONALD.

In this table the name of the vessel is given, its approximate age, where built, and estimated value. Contents of table.

The place of construction indicates the kind of material used, and this assists in fixing the value. Japan vessels are built of teak, a superior kind of timber; British Columbia vessels of Douglas fir; New England, of oak, and Nova Scotia, of spruce. The latter is soft wood, and inferior, vessels made of it going into the eight-year class. I think Douglas fir vessels are also put into the eight-year class. A vessel is supposed to drop out of its class when the end of its classification has been reached. In other words, it has deteriorated 50 per cent. Those rules give the measure or per cent of yearly deterioration. Hence the age of a vessel becomes important in determining its value. In the accompanying table the age given is rather under than over the actual age. Wherever there was a doubt the vessel has received the benefit of it. Construction of vessels.

Schooner builders estimate that a Nova Scotia schooner, fresh from the ways and equipped for sea, is worth $50 per ton register. A British Columbia schooner is worth more, as labor and material are dearer. The estimate is that a schooner put up here and ready for sea is worth from $75 to $100 per ton register. A vessel coming around Cape Horn from Nova Scotia is supposed to have added at least 25 per cent to its value. It is in view of these rules that the valuations in the table are made, and I believe them to be liberal for vessel owners. The owners themselves would probably put a higher price on their own schooners, but they would decrease the price of schooners owned by their neighbors. For instance, one of the highest officers of the Sealers' Association fixed the value of the *Maggie Mac* at $10,000. I afterwards learned from her principal owner and agent that he valued the vessel and outfit at $8,000, and when this valuation was presented to another prominent owner of schooners he shrugged his shoulders and said it was not worth half that. This last owner valued one of his three schooners at $8,000, while a master builder thinks it high-priced at $5,500. So it goes. Valuations are usually inflated and largely above what could be realized by actual sale. Some of these schooners are very old, and have been repaired and rebuilt several times. "They are held together by their paint and putty," said an experienced builder. A few are new and substantial vessels, while the majority are in middle life, or have passed the period of their classification. Values of vessels.

The valuations placed by Messrs. Stephens and McDonald, whose certificates are attached, are liberal for the owners and are evidently above rather than below the real value. They are competent and practical men of large experience and have no interests in or prejudices against the sealing interest. Mr. Stephens, especially, is regarded an authority on such matters.

VESSEL OWNERS.

I have obtained from the custom-house a list of persons who owned shares in these vessels in December, 1891, and this is verified by the certificate of John C. Newbury, the chief clerk, or deputy collector, of the port. The list and certificate are hereto attached, and are made a part of this report. Names and occupations of owners of sealing vessels.

The rapidly increasing interest in the sealing business since 1888 has spread among all classes of people and we find shareholders in almost

all callings in life. Running over the list, as furnished by the custom-house, we find the employments of shareholders as follows:

John Dodd, sealer, mariner.
Wm. R. Brown, grocer.
James E. Martin, cashier, real estate.
Charles Parsons, grocer.
Robert J. Ker, treasurer R. P. Rithet & Co.
R. P. Rithet & Co., wholesale grocers, steamship agents.
Henry A. Munn, druggist.
John P. Elford, contractor.
Wm. J. Smith, contractor.
John G. Cox, ship chandler.
James Shields, farmer.
Wm. Shields, laborer.
Jas. R. McKenzie, carriage manufacturer.
Augustus Geraw, machinist.
Gideon C. Geraw, gentleman.
Frank W. Adams, clerk at Marvin & Co.
Wm. H. Paine, sealer.
Chas. L. Cameron, grocer.
Geo. E. Munro, grocer.
Wm. Petherick, plasterer.
Elizabeth Langley.
Frederick Gilbert, mariner.
Wm. Peddle, asphalter.
Charles Peterson, brewer.
Frederick Carne, grocer.
Wm. Munsie, grocer.
James Nawarsum, Indian sealer.
Andrew Gray, iron founder.
Daniel Cook, ship carpenter.
James Dempster, carpenter.
Alex. K. Munro, iron founder.
Michael Keefe, sealer, captain.
S. McAuly Smith, shipwright.
Orlando Warner, ship carpenter.
George Bromley.
Wm. G. Goudie.
Wm. D. Byers, master mariner.
Donald G. Walker, ship carpenter.
R. Hall, insurance agent.
Wm. O'Leary.
Thomas Harold.
Thomas Hendry, match manufacturer.
Alfred Bissett, sealer and captain.
Victor Jacobson, sealer and captain.
Michael Manson, trader.
Geo. Collins, saloon-keeper.
Wm. Cox, mariner.
C. N. Cox, sealer and captain.
W. G. Stephenson, saloon-keeper.
Mary Jackson.
Chas. Spring, shipowner and capitalist.
James McLeod, sealer.
Peter Murchison, sealer.
Adolphus Wasburg, sealer.
Thos. Aarola, sealer.
C. J. Kelly, retired sea captain.
J. St. Clair Blackett, notary public, real estate.
Alex. A. Green, banker.
Chas. Laing, shipbuilder and owner.
Chas. Williams, tug captain.
Abel Douglas, mariner.
Thos. Earle, member Parliament, general agent.
J. C. Provost, registrar supreme court of British Columbia.
Wentworth E. Baker, sealer; captain.
Arthur E. Morgan.
Henry Paxton, sealer and captain.
Joseph Quadrus, sailor.
Donald Urquart, mariner.
Morris Moss, fur dealer.
Hall & Gospel, general agents.
Wm. O'Leary.
Robt. E. McKeil, mariner.
Thos. H. Brown.
Beaumont Boggs, real estate agent.
P. A. Babbington, carpenter.
John Creeden.
A. G. Babbington, tanner.
Henry W. Moore.
Mrs. Dora Sieward, wife of Captain Sieward, sealer and saloon-keeper.
Geo. Byrnes, auctioneer.
John Kinsman, clerk, Hall & Gospel.
Pacific Sealing Company, limited.

That citizens of the United States are financially interested in some of these vessels is quite certain, but to what extent it is difficult to ascertain. They are secured by mortgages, but these mortgages are not always recorded and there is no reliable method of ascertaining how many there are of them or how large a proportion of the capital invested they represent.

The vessels whose owners we do not give are registered in Nova Scotia or elsewhere, outside this port.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, April 28, 1892.

UNITED STATES CONSULATE,
B. C., Victoria, April 28, 1892.

I, Levi W. Myers, consul of the United States at Victoria, B. C., do hereby certify that the signature of J. C. Newbury, at the foot of the writing hereunto attached, is his true and genuine signature made and acknowledged in my presence, and that the said J. C. Newbury is personally known to me; and I do further certify that he is chief clerk to the collector of this port and register of shipping. Certificate of consul.

In witness whereof, I have hereunto set my hand and affixed the seal of the consulate, at Victoria, B. C., this day and year next above written, and of the independence of the United States the one hundred and sixteenth.

[L. S.]

LEVI W. MYERS,
Consul of the United States.

—

CUSTOMS, CANADA,
Victoria, B. C., April 28, 1892.

I hereby certify that the annexed are true copies of the records *re* ownership of vessels registered at this port, as they stood in December, 1891, and very few changes have taken place since. Certificate of clerk of customs of Victoria, British Columbia.

[L. S.]

J. C. NEWBURY,
C. Clerk for Collector and Reg. of Shipping.

Owners of Sealing Vessels.

Vessel.	Owners.	Shares.	Agents.
Maggie Mac	John Dodd	12	R. P. Rithet & Co., Ltd.
	Wm. R. Brown	12	
	Jas. E. Martin	3	
	Chas. Parsons	5	
	Robt. J. Ker	6	
	R. P. Rithet & Co	17	
	Henry A. Munn	5	
	John P. Elford	2	
	Wm. J. Smith	2	
		64	
E. B. Marvin	John G. Cox	5	E. B. Marvin & Co.
	James Shields	5	
	William Shields	6	
	James R. McKenzie	13	
	Augustus Gerow	5	
	Gideon C. Gerow	5	
	Frank W. Adams	5	
	Edward B. Marvin	10	
	William H. Paine	10	
		64	
Walter L. Rich	Chas. L. Cameron	43	
	George E. Munro	21	
		64	
Annie E. Paint	Alfred Bissett	64	
Mary Ellen	Victor Jacobsen	64	
Steamer Thistle	Michael Manson	64	
Sea Lion	George Collins	64	
Minnie	Victor Jacobsen	64	

Owners of sealing vessels—Continued.

Vessel.	Owners.	Shares.	Agents.
Triumph	John G. Cox	11	
	E. B. Marvin	11	
	Wm. Cox	11	
	F. W. Adams	11	
	C. N. Cox	10	
	W. G. Stevenson	5	
	Mary Jackson	5	
		64	
Winifred	James McLeod	21	
	Peter Murchison	21	
	Charles Spring	22	
		64	
Aurora	Adolphus Wasburg	32	
	Thomas Harold	32	
		64	
C. H. Tupper	Cerino J. Kelly	64	
Henrietta	Charles Spring	56	
	John St. Clair-Blackett	8	
		64	
W. P. Sayward	Alex. A. Green	32	
	Andrew Laing	32	
		64	
Laura	Charles Williams	64	
May Belle	Abel Douglass	18	
	Wm. Petherick	9	
	Elizabeth Langley	9	
	Fred'k Gilbert	7	
	William Peddle	7	
	Chas. Peterson	14	
		64	
Mary Taylor	Fred'k Carne, jr	40	
	Wm. Munsie	24	
		64	
Mountain Chief	James Nawassum	64	
Rosie Olsen	Andrew Gray	16	
	Daniel Cook	16	
	James Dempster	11	
	Alex. K. Munro	16	
	Michael Keefe	5	
		64	
Carlotta G. Cox	John G. Cox	7	
	S. McCully Smith	8	
	Orlando Warner	5	
	Edward B. Marvin	7	
	Frank B. Adams	7	
	George Bromley	5	
	William G. Goudie	5	
	William D. Byers	5	
	Donald G. Walker	10	
	William Cox	5	
		64	
Geneva	Rich'd Hall	54	
	Wm. O. Leary	10	
		64	
Borealis	Thomas Harold	22	
	Thomas Hendry	21	
	Adolphus Wasburg	21	
		64	

Owners of Sealing Vessels—Continued.

Vessel.	Owners.	Shares.	Agents.
Walter A. Earle	Thomas Earle	64	
Sapphire	John G. Cox	16	
	Frank Adams	16	
	E. B. Marvin	16	
	William Cox	16	
		64	
Ariel	John Chas. Prevost	64	
Viva	William Munsie	40	
	Frederick Carne, jr	24	
		64	
Pioneer	William Munsie	24	
	Frederick Carne, jr	24	
	Wentworth E. Baker	8	
	Arthur E. Morgan	8	
		64	
Wanderer	Henry Paxton	32	
	Joseph Quadras	32	
		64	
Venture	Donald Urquhart	32	
	Morris Moss	32	
		64	
Favourite	Charles Spring	64	
Oscar & Hattie	Pacific Sealing Co., limited; head offices, Victoria, British Columbia.	64	
Ocean Belle	Hall & Goepel, joint owners	20	
	William O. Leary	10	
	John Kinsman	34	
		64	
Katharine	Pacific Sealing Co., limited; head offices, Victoria, British Columbia.	64	
Maud S	Robert E. McKeil	8	
	Thomas H. Brown	7	
	William J. Smith	10	
	William R. Brown	19	
	John P. Elford	10	
	Beaumont Boggs	5	
	Henry A. Munn	5	
		64	
Teresa	Panmure A. Babington	22	
	John Creeden	20	
	Archibald G. Babington	18	
	Henry W. Moore	4	
		64	
Mascot	Dora Sieverd, wife of H. F. Sieverd.	64	
Penelope	Morris Moss	32	
	Donald Urquhart	32	
		64	
Lily	George Byrnes	64	
Sierra	Charles Spring	64	
Kate	Charles Spring	64	

Statement of the extent of Canadian pelagic sealing, including the total number of vessels, tonnage, crews, and total catch of sealskins, for the years 1881 to 1890, inclusive.

Year.	Number of vessels.	Tonnage.	Total crews.	Total catch.
1881	9	418	289	*14,000
1882	12	710	413	17,000
1883	9	500	285	9,195
1884	11	647	156	*16,500
1885	15	783	189	27,470
1886	16	920	310	24,144
1887	21	1,289	411	27,543
1888	15	1,091	295	22,415
1889	23	1,448	513	27,960
1890	29	2,042	678	39,547

* Estimated. The actual catch was probably over these figures, especially in 1884.

The figures in the above statement have been carefully compiled from official and other authentic sources and are approximately correct. The Indian portion of the crews of 1884, 1885, 1886, and 1888 were not, apparently, counted as they had been in former years, and as they were in the succeeding years. This will account for the light crews of these years.

LEVI W. MYERS,
Consul.

UNITED STATES CONSULATE,
Victoria, British Columbia, April 28, 1892.

TREASURY LIST OF RAIDS.

CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA,
Treasury Department, July 27, 1892.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed memoranda concerning raids on the seal islands of Alaska compiled from the records of this Department are correct.

In witness whereof I have hereunto set my hand and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[L. S.]

CHARLES FOSTER,
Secretary of the Treasury.

At the request of the Secretary of State an examination of the archives of the Treasury Department has been made in order to determine the number and extent of illegal killing of fur-seals on the Pribilof Islands, in Bering Sea, by unauthorized persons. Such examination shows the following raids have been reported by the officials of this Department, in charge of said islands, since 1870:

1. On the first and second days of September, 1874, the schooner *Cygnet* landed some men on a rookery on St. George Island or Otter Island and killed 34 seals.

2. In 1875 the schooner *San Diego* raided the "hauling ground" on Otter Island and was seized by the officials at San Francisco, Cal., with about 1,600 skins.

3. During October, 1881, the schooner *Otter* raided St. George Island rookeries and obtained 145 skins.

4. The schooner *Adele*, in the autumn of 1884, was captured by Lieutenant Leutza, of the Revenue Marine, killing seals on one of the rookeries.

5. In June, 1885, the crew of an unknown vessel landed on the rookeries and killed over 500 seals before being detected and driven off.

6. July 20, 1885, evidences of a raid were found under the cliffs on St. George Island, but the vessel and number of skins obtained are unknown. It was estimated the number of seals killed were 600 or 700.

7. The schooner *San Diego*, which was seized in July, 1886, by Captain Abbey, had some skins of young pups on board, which had been clubbed, showing that the vessel had raided one of the rookeries.

8. August 8, 1886, a small number of seals were clubbed on a rookery on St. George Island by unknown parties.

9. In July, 1887, the schooner *Angel Dolly* raided a rookery on St. George Island and was subsequently seized by the Treasury Agent in charge of said island with 170 skins on board.

10. A few dead pups were found on a rookery, showed a raid took place on St. George Island in August, 1890. It is supposed the vessel was the *Nellie Martin*.

11. September 15, 1890, six boat crews landed on Zapadnie rookery, St. George Island, and killed about 180 seals, but were driven off, leaving the dead seals on shore.

12. During November, 1888, the crew of an unknown vessel landed on Zapadnie rookery, St. George Island, but did little damage as only 12 or 15 seal carcasses were found on shore.

13. In the month of September, 1889, the evidences of a raid were discovered on St. George Island, and the Treasury agent in charge having set a watch, drove off the marauders, who endeavored to land at night.

14. In the latter part of November, 1890, the schooner *Adele* made a raid on the rookeries, taking about 400 seals, and subsequently was seized by the collector of the Port of Victoria for failure to make legal entrance on return.

15. November 17, 1891, the schooner *Challenge* raided a rookery on St. George Island, and obtained about 150 seals.

16. November 27, 1891, the schooner *Borealis* landed a crew on one of the St. Paul rookeries; the number of seals killed was about 400.

CLAIM OF THE NORTH AMERICAN COMMERCIAL COMPANY.

CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA,
Treasury Department, July 23, 1892.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed paper is a true copy of a letter on file in this Department.

In witness whereof, I have hereunto set my hand and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[L. S.] CHARLES FOSTER,
Secretary of Treasury.

WASHINGTON, *April 12, 1892.*

HON. CHARLES FOSTER,
Secretary of the Treasury:

SIR: I am instructed by the North American Commercial Company, the lessee of the right to take fur-seals for their skins in Alaska, to present for payment by the United States its account for $1,532,947.44, due to said Company from the United States by reason of said Company's having been prohibited by the United States, during the years 1890 and 1891, from taking the number of fur-seals on the islands of St. Paul and St. George to which it was entitled under the law and its contract with the United States, dated March 12, 1890.

It appears from the records of the Treasury Department that said Company was authorized by the Secretary of the Treasury to take a quota of 60,000 seals for their skins during each of the years 1890 and

1891, under the subsisting contract between the United States and the lessee, and in conformity with the law regulating the same.

It further appears from the records of the Treasury Department that the United States prohibited said Company from taking its said quota of 60,000 in 1890 and said quota of 60,000 in 1891, and that the lessee was restricted to a quota of 20,995 fur-seals in 1890 and to 13,482 in 1891. So that, instead of securing 120,000 in 1890 and 1891, the lessee received but 34,477 during both years.

Respectfully submitted.

THE NORTH AMERICAN COMMERCIAL COMPANY,
By N. L. JEFFRIES,
Its Attorney.

WASHINGTON, D. C., *April —, 1892.*

The United States in account with the North American Commercial Company.

September 1, 1890—	
To losses on account of being prohibited by the United States from taking 39,005 fur-seal skins on the islands of St. Paul and St. George, Alaska, which said Company was authorized by law and by its contract with the United States to take and ship from said islands during the year 1890, at $20.78 per skin	$810,523.90
September 1, 1891—	
To losses on account of being prohibited by the United States from taking 46,518 fur-seal skins on the islands of St. Paul and St. George, Alaska, which said Company was authorized by law and by its contract with the United States to take and ship from said islands during the year 1891, at $15.53 per skin.....	722,424.54
Total	1,532,947.44

CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA,
Treasury Department, July 23, 1892.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed paper is a true copy of a letter addressed to Hon. Noah L. Jeffries, attorney for the North American Commercial Company, as shown by the records in this Department.

In witness whereof, I have hereunto set my hand and caused the seal of the Treasury Department to be affixed on the day and year first above written.

[L.S.]

CHARLES FOSTER,
Secretary of the Treasury.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 27, 1892.

Hon. NOAH L. JEFFRIES,
Attorney for the North American Commercial Company,
Washington, D. C.:

SIR: The Department has received your letter of this date, in which you withdraw the protest of the North American Commercial Company

which accompanied its deposit of the sum of $46,749.23, in payment of rent and taxes under its lease of the seal islands in Alaska for the year ending April 1, 1892.

The Attorney General having expressed the opinion that this Department is authorized to reduce proportionately the rental and bonus due from said Company on a basis of a maximum catch of 100,000 skins, the account has been adjusted as follows, in accordance with our verbal understanding, viz:

Tax on 13,482, at $2	$26,964.00
Rental on 13,482 at, $0.60	8,089.20
Bonus on 12,251, at $0.9547[1]	11,696.03
	46,749.23

It is understood that this adjustment is accepted by said Company as full settlement and satisfaction of all claims and demands against the United States for whatever cause to the date thereof, except only as to its right to claim any amount which may be awarded to it by the Arbitrators appointed by Great Britain and the United States under the treaty of April 18, 1892.

Respectfully, yours,

CHARLES FOSTER,
Secretary.

CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA,
Treasury Department, July 27, 1892.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed paper is a true copy of a letter on file in this Department.

In witness whereof, I have hereunto set my hand, and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[L. S.] CHARLES FOSTER,
Secretary of the Treasury.

WASHINGTON, D. C., *July 23, 1892.*

To the Hon. CHARLES FOSTER,
Secretary of the Treasury:

SIR: On behalf of the North American Commercial Company, of San Francisco, the lessee of the right to take fur-seals for their skins on the islands of St. Paul and St. George in Alaska, I have the honor to present the claim of said company for damages sustained by the limitation of the quota of fur-seals by the United States from 100,000 to 7,500 during the year beginning May 1, 1892, involving a loss to said company of $1,665,000, for which amount said company respectfully requests payment.

THE NORTH AMERICAN COMMERCIAL COMPANY,
By N. L. JEFFRIES,
Its Attorney.

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[1] There is an error in these figures due to a transposition. The rate per skin should be $0.9341 and the amount $11,444.13. The correct total being $46,497.33.

CONTRACT FOR PELAGIC CATCH.

This agreement, made the fourth day of September, A. D. 1890, between Maurice J. Davis, merchant, of Victoria, B. C., of the first part, and Captain William Grant, owner of the schooner *Beatrice*, of Victoria, B. C., of the second part,

Witnesseth, that for and in consideration of the premises herein contained, the party of the first part binds himself in the sum of two thousand dollars ($2,000) approved security, to purchase from the party of the second part all fur-seal skins, excepting those in a pinky condition, obtained and acquired by the said schooner on her present voyage (the dangers of the seas and usual bill of lading clauses excepted) and to pay cash for such seal skins at the rate of eleven dollars for each and every skin delivered by the party of the second part, including all wigs and grey pup-seal skins, but provided that the proportion of grey pup-seal skins shall not exceed ten per cent of the entire catch of said schooner, when in such case the party of the first part agrees to purchase all grey pup-seal skins in the excess of ten per cent of the entire catch, and pay cash for each and every grey pup-seal skin in such excess at the rate of two dollars ($2.00) each on right delivery of same. And the said party of the second part agrees to deliver to the said party of the first part all the fur-seal skins acquired as above by the said schooner, subject, nevertheless, to the proviso hereinbefore contained; and also agrees to deliver said skins to the party of the first part alongside any wharf in Victoria Harbor that the party of the first part may desire, and within five days of the arrival of said schooner into the Port of Victoria.

And it is further agreed that should the party of the first part fail to purchase the aforesaid seal skins from the party of the second part, then the said security in the sum of two thousand dollars shall be absolutely forfeited to the party of the second part; and the party of the first part covenants that in case of the nonfulfillment of this contract on his part that he will not institute legal proceedings to recover the said sum of two thousand dollars thus forfeited. And lastly, it is mutually agreed that this agreement shall be void on and after the 31st day of December, 1890.

In witness whereof, the said parties hereunto have hereto set their hands and seals the day and year first above written.

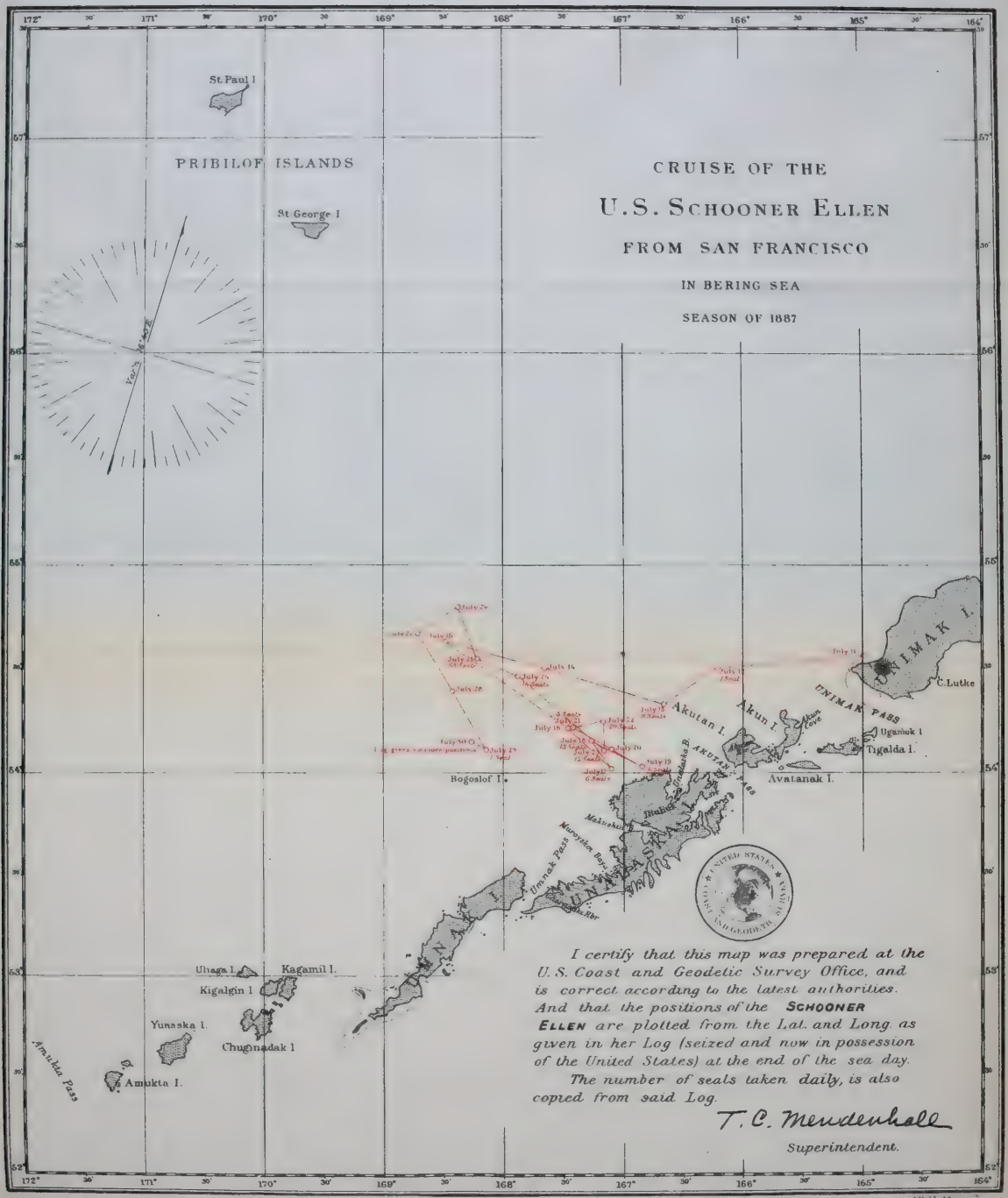
M. J. DAVIS. [L. S.]
WILLIAM GRANT. [L. S.]

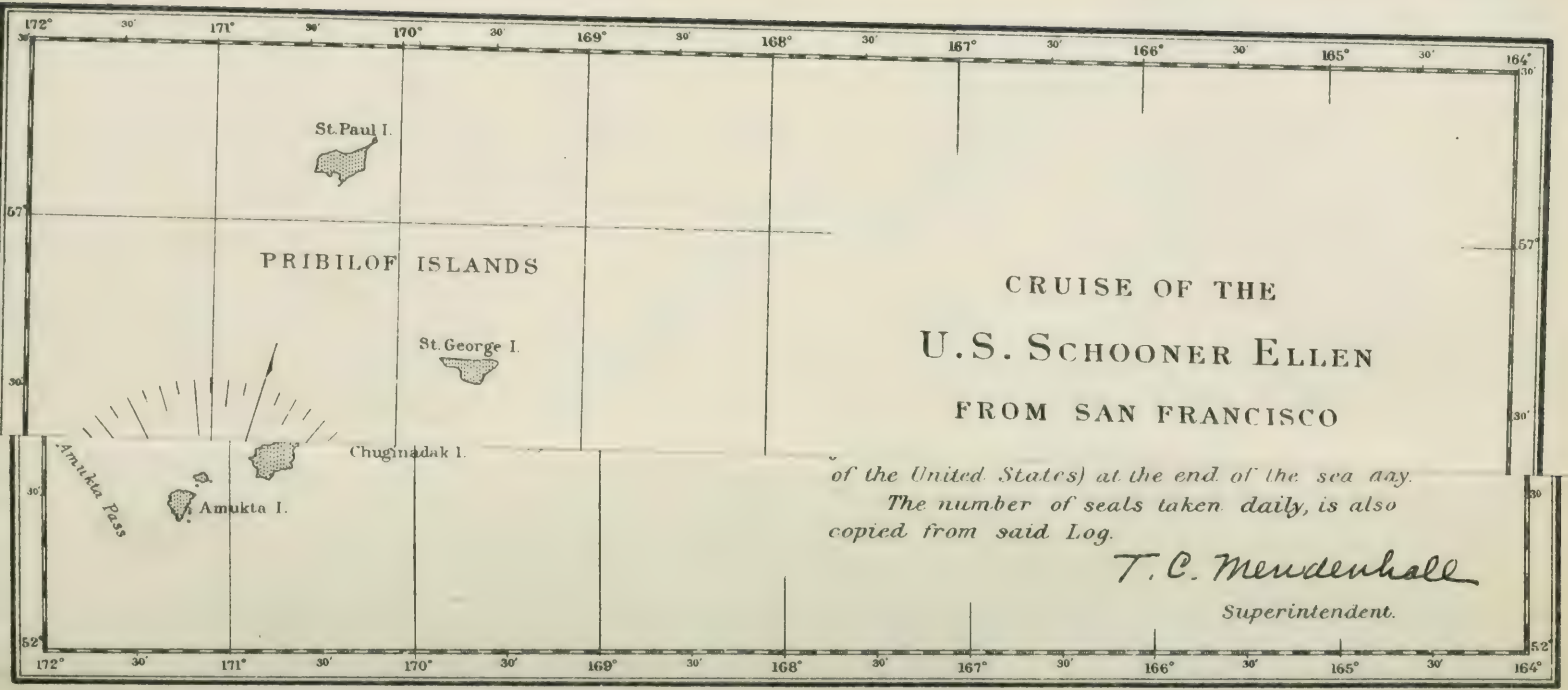
Signed, sealed, and delivered in presence of—
F. W. ADAMS.

DISTRICT OF COLUMBIA,
City of Washington, ss:

I hereby certify that I have compared the above paper with the original agreement, and that said paper is a true copy of the whole of said original agreement.

[SEAL.] SEVELLON A. BROWN.


CRUISE OF THE
U.S. SCHOONER ELLEN
FROM SAN FRANCISCO
IN BERING SEA
SEASON OF 1887
PRIBILOF ISLANDS
St Paul I
St George I
Akutan I.
Akun I.
Akun Cove
UNIMAK I.
UNIMAK PASS
C. Lutke
Ugamak I
Tigalda I.
Avatanak I.
Bogoslof I.
Akutan Pass
Umnak Pass
Ulaga I.
Kagamil I.
Kigalgin I
Yunaska I.
Chuginadak I
Amukta I.
Amukta Pass
I certify that this map was prepared at the U. S. Coast and Geodetic Survey Office, and is correct according to the latest authorities. And that the positions of the SCHOONER ELLEN are plotted from the Lat. and Long. as given in her Log (seized and now in possession of the United States) at the end of the sea day.
The number of seals taken daily, is also copied from said Log.
T. C. Mendenhall
Superintendent.


172° 30' 171° 30' 170° 30' 169° 30' 168° 30' 167° 30' 166° 30' 165° 30' 164°
57°
52°
St. Paul I.
PRIBILOF ISLANDS
St. George I.
Chuginadak I.
Amukta Pass
Amukta I.
CRUISE OF THE
U.S. SCHOONER ELLEN
FROM SAN FRANCISCO
of the United States) at the end of the sea day.
The number of seals taken daily, is also
copied from said Log.
T. C. Merwedenhall
Superintendent.

LOG BOOKS OF SEALING VESSELS.

Deposition of Capt. L. G. Shepard, of the United States Revenue Marine, identifying the log books of the seized schooners Ellen, Annie, Alfred Adams, and Ada.

DISTRICT OF COLUMBIA,
City of Washington, ss:

Capt. L. G. Shepard, of the United States Revenue-Marine Service, having been duly sworn, deposes and says: That the log books of the schooners *Ellen, Annie*, and *Alfred Adams*, marked respectively No. 1, No. 2, and No. 3, and signed by him, are the original log books of said schooners, seized by him in 1887 for violation of section 1956 of the United States Revised Statutes; and that the log book of the schooner *Ada*, marked No. 4, and signed by him, is the original log book of said schooner, which he saw at Sitka in the year 1887, and which had been removed from said schooner when seized by Capt. M. A. Healy, United States Revenue Marine, in violation of the above-mentioned statute.

L. G. SHEPARD,
Captain, United States Revenue Marine.

Sworn and subscribed to before me, a notary public in and for the District of Columbia, this 28th day of July, 1892.

[SEAL.] JAS. N. FITZPATRICK,
Notary Public.

LOG OF SCHOONER ELLEN.

Sch'r. Ellen of San Francisco Bound from S. F. on Hunting cruise June 8th, 1887. T. H. Wentworth, master.

Ten June 8th sailed from wharf at 3.30 p. m. and arrived at Sausalito at 5.30 p. m. and anchored, sailing again at 3.30 and put to sea, weather hazy.

June 9th Farrolones bearing N. E. by N. dis 12 miles, course S. W. wind W. N. W.

June 10th commences with W. N. W. wind and light, course S. W. Lat 36.55, Lon 124.1.

Sat June 11th commences with W. N. W. wind at 8 p. m. tacked ship, wind shifted to S. W. 4, a. m. wind hauled to S. S. W. course W. by S. lat 37.00. Lon 124.57.

Sun June 12th. This day commences with rain and squalls 3.30 wind N.W. at 5 o'clock tacked ship and stood to S.W. 9 o'clock reeffed main sail. took in jib and reefed foresail. 10 p. m. furled main sail at 6 a. m. set reefed jib and main sail wind N. by W. squally.

Lat by D. R. 37 11
Lon by D. R. 125 49.

Monday June 13th.

This day commences with strong N.W. wind and squalls, at 8 a. m. shook reefs out of sails.

Lat by Obs 36 24
Lon by Obs 127 48

Teu June 14th

This day commences with wind W. N. W. and cloudy. midnight fog came. latter part fog lifted wind light, W. by S.

Lat in by Obs. 35 59
Lon in by D. R. 129 02

Wed June 15th

This day commences with breeze from W. by S. ends same with occasional fog.

Lat by Obs. 35 23
Lon " " 130 36

Thu June 16th

This day commences with west wind and ends same.

Lat in 35 42
Lon in 131 23.

Fri June 17th

This day begins with light W. by S. winds, at 1 p. m. past a British barge name unknown, bound S.W. at a. m. wind hauled to N. by E. and squally. at 4 a. m. reefed main sail and gib, and shook them out again at 11.45.

36 08
Lat D. R. *35 22*[1]
Lon " " 132–41

Sat June 18th

This day begins with strong breeze from N.N.E. with squalls; and ends same. 11 a. m. saw a bargue standing to the Northward, course run west.

Lat in 36–28
Lon in 134–53.

Sun June 19th

This day begins with lt N.N.E. wind middle part calm, and thick fog. latter part clear, wind same. distance made 60 miles, N.W. by W. ½ W.

Lat in 36. 45
24
Lon in 136. *40*[1]

Monday June 20th

This day begins with N.N.E. wind latter part N.E.

Lat in by Obs 37 58
Lon " " " *137 50*[1]
138 08

Distance run 95 miles.

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[1] Erased in original.

Teu June 21st
This day begins with wind N.E. and light, latter part N. and fresh.
Lat in 38 52
Lon in 140–24
Distance run 77 miles.
Wed June 22nd
This day begins with fresh N. Wind, midnight wind hauled to N. N. E. with fog and squall. Latter part N. E. and fresh.
Course made N. W. by W.
Distance run 107 miles.
Lat in 40–09
Lon " by D. R. 142–49
Thu June 23rd
This day begins with fresh N. N. E wind, latter part wind hauled to S. with fog.
distance run 90 miles.
Lat in by D. R. 40.59
Lon " " " " 144.45
Course made N. W. & W.
Fri June 24th
This day begins with light E. S. E. wind, with fog and rain. middle part hauled to S. W. latter part to W. S. W.
Lat in by Obs 42–20
Long " " " 145–30
Sat June 25th
This day begins with S. W. wind middle part hauled to W. by N. with fog, and ends same.
Lat in 43–21
Lon " by D. R. 146–07
Sun June 26th
This day begins with light W. wind, middle part breezed up shore S.S.W. with fog, latter part hauled to W. by N. and cleared up.
Lat in by Obs 44–49
Lon in 147–07
Distance run 97 miles.
Mon June 27th
This day begins with W. by S. wind, latter part hauled to S.S.W., course W. by N. ½ N. distance run 59 m.
Lat by Obs. *46–04* [1]
46–04
Lon 147–41
Teu June 28th
This day begins with Lt. S.S.W. wind. middle part breezed up strong with rain squalls, latter part same.
Distance run 125 miles.
Lat in by D. R. 47–13
Lon " " " " 150–10
Wed June 29th
This day begins with strong breeze from S.S.E. with rain, at 11 pm wind hauled to W.S.W. blowing very heavy. Barometer fell to 29.50. at 12 reefed Jib and main sail, and furled for sail. Latter part same.
Lat in by D. R. 48–05
Lon " " " " 152–24
Distance run 85 miles, N.W. by W.

[1] Erased in original.

Thu June 30th.

This day commences with fresh N.W. wind and thick. 8 p. m. wind hauled to S.S.E. with light rain. latter part hauled to S.S.W. and cleared up.

Lat in by Obs 50.34
Lon in time 152.35

Distance run 91 miles.

Fri July 1st

This day commences with fresh S.S.W. wind, 8 pm moderated. at midnight hauled to W.N.W. at 8 am reefed mainsail. course made this 24 hours N.W.½ W. 83 miles.

Lat in by D. R. 51–31
Lon " " " " 154–11

Sat July 2nd

This day commences with strong breeze from W. by S. vessel going under short sail. at 4 am wind hauled to S.S.W. course made N. 51. distance made 65 miles.

Lat by D. R. 52–12
Lon " " " 155–24

Sun July 3rd

This day commences with light breeze from S.S.W. and squalls. at 5 pm wind hauled to E. and veered to N.E. Blowing very heavy. 3.30 am. reefed sails. at 9 am hove ship to on starboard tack. wind blowing very heavy. This day no observation.

Lat by D. R. 52–52
Lon " " " 157–48.

distance run N. W. ½ W. 121 miles.

Mon July 4th

This day commences with strong breeze from N.W. vessel under fore sail. at 5.30 made sail and stood to W.S.W. at 8 tacked ship and stood to North. at 11 am sighted the Chine Bura Islands, bearing N.W. by N. dis 20 miles.

Lat by Obs 54. 29
Lon in time 158. 30

So ends this day.

Teu July 5th

This day commences with light S.W. wind. 6 pm died out calm, and ends same, with Simi Noski Island bearing W.N.W.

distance 8 miles.

Wed July 6th

This day commences calm with lt rain. 8 pm. wind breezed from west and light. later part same, Nagia Island bearing N.W. dis 20 miles.

so ends this day.

Thu July 7th This day commences with N.S.W. wind. Nagi Island bearing N.W. dis 20 miles. middle part died out calm. latter part same.

Lat in 54.44
Lon in *160.52*[1]
160.52

Fri July 8th

This day commences calm, in 30 fathoms of water. catching fish, at 4 pm. wind breezed S.W. middle part hauled to S.S.W. so ends this day, with Hallibut Island N.W. by W. dis 15 miles.

[1] Erased in original.

Sat July 9th

This day commences with light baffling wind, middle part died out calm with fog. and ends same, with Jennac Island bearing W.N.W

Sun July 10th

This day commences with lt breeze from S.W. middle part breezed S.S.E., 4 am set off for Ounimac pass. latter part stiff breeze with rain.

Mon July 11th

This day commences with strong S.S.E. wind with fog, running for Ounimac, 4.30, made opening bearing W. by S. 2 miles. distance. passed through the straits at 11 pm. and hove to in thick fog. at 6 am. bore up and run in for water, at 12 o clock anchored under the Island, and loaded water.

July 12th

This day commences with light fog. lying under the land filling water. at 8 pm got under weigh and got off shore.

This day ends with one seal to Gearing.

Lat 52.30
Lon 166.12

Wed July 13th

This day commences with lt W.S.W. wind with fog. latter part calm. boat out catch of seal 8.

Lat 54.20
Lon 166.39

Thu July 14th

This day commences with lt wind and fog. at 7 am wind breezed up strong. no boats out. at 12 noon hove to under fore sail.

Lat in by D. R. 54.30
Lon " " " " 167.39

Fri July 15th

This day commences with strong gales from S.E. at 12 midnight wind moderated. 5 am made sail and stood to south. at 10 am wind hauled to W.N.W. blowing heavy. no boats out this day.

Lat in by D. R. 54.38
Lon " " " " 168.29

Sat July 16th

This day commences with strong gales from S.W. and rain. Vessel going under double reefed main sail, and ends same.

Lat in by D. R. 54.13
Lon in " " " 167.26

Sun July 17th

This day commences with strong W.S.W. at 1 pm made Haboukchinskay Island bearing S.E. wore ship off again. 3 pm wind died out calm. 5.30 am put boats out this day and took 6 seal.

Lat in 54.01
Lon. in 167.05

Mon July 18th

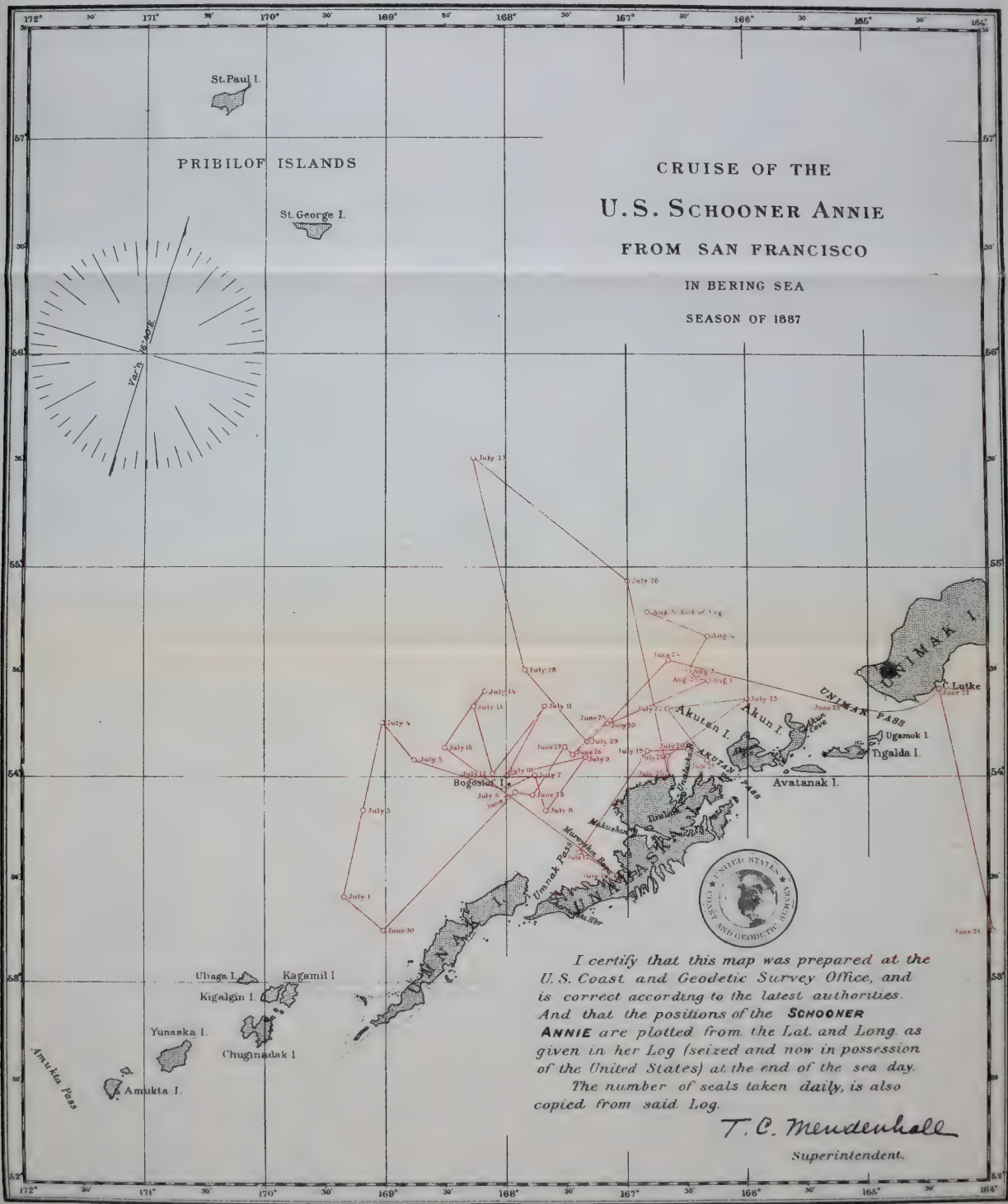
This day commences with lt N.E. winds. both boats out. latter part wind S.E. and lt. Boger Hof Island bearing S.W. dis 20 miles. catch of seal 13.

Lat in 54.09
Lon in 167.15

Teu July 19th

This day commences with lt S.E. wind. at 4 pm wind breezed up strong. Boats came on board. at 6 pm hove to under fore sail. latter part under Ounalaska Island. catch of seals 4.

Wed July 20th
This day commences with lt S.E. wind and heavy sea running. at 7.30 pm anchored under the land. at 10 came on rough. got under weigh and stood to sea. No seals this day.
Thu July 21st
This day commences with strong gales from S. S. E. at 2 pm wind hauled to S. W. vessel running off shore. at 9 am put boats out, and took 5 seal. Boger Slors Island bearing S. W. & by S. dis 25 miles.
Fri July 22nd
This day commences with light W.N.W wind. at 5 pm died out calm, latter part same. 2 boats out, catch of seal 20.
Lat by Obs 54.15.
Sat July 23rd
This day commences with calms. 2 boats out. middle part wind came fresh from S.S.W. boats came on board. latter part died out calm, with Boger Slof bearing S.W. by W. dis 30 miles. catch of seal 12.
Sun July 24th
This day commences with lt S.S.E. wind. at 4 pm wind breezed up. at midnight hauled to W.N.W. blowing heavy. latter part same. boats out half day. catch of seal 14.
Lat in 54.28
Lon in 167.52
Mon July 25th
This day commences blowing stiff from W.N.W. first part. latter part calm. 2 boats out, catch of seal 63.
Lat in 54.33
Lon in 168.12
Teu July 26th
This day commences with strong wind and ends same. no boats out this day.
Lat in 54.48.
Lon in 168.22.
Wed July 27th
This day begins blowing strong from S.S.E. latter part hauled to S.S.W. hove too, under fore sail. no boats out.
Lat in 54.40
Lon in 168.42
Thu July 28th
This day commences with S.S.W. wind and heavy sea. at 8 am spoke the British schooner "Mary Ellen" with 1750 seals, no boats out and ends the same.
Fri July 29th
This day commences with strong breeze from W.S.W. and heavy sea running. at 10 am made Boger Slov Island. bearing S.E. dis 10 miles. took one seal. so ends this day.
Sat July 30th
This day commences with breeze from S.S.W. middle part hauled to W.S.W. still lying under fore sail. no boats out. but plenty of seal around. took 3 over the side. so ends the day with Bogerslov bearing S.E. by E. dis 15 miles.
Sun July 31st
This day begins with strong W.S.W. wind. at 7 am breeze moderated, and boats got out for 7 hours, and took 25 seal and the breeze came up again.

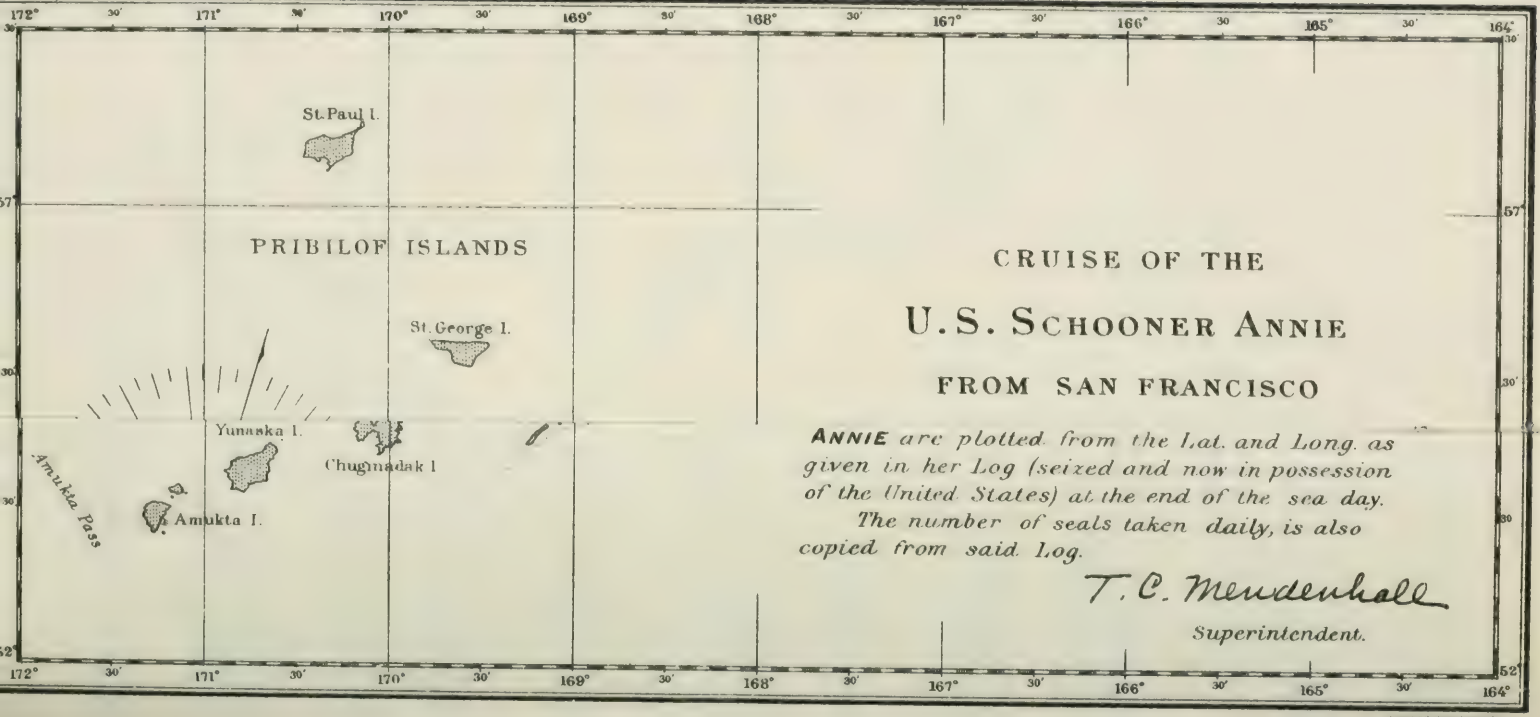


I certify that this map was prepared at the U. S. Coast and Geodetic Survey Office, and is correct according to the latest authorities. And that the positions of the **SCHOONER ANNIE** *are plotted from the Lat. and Long. as given in her Log (seized and now in possession of the United States) at the end of the sea day.*

The number of seals taken daily, is also copied from said Log.

T. C. Mendenhall

Superintendent.


172° 30' 171° 30' 170° 30' 169° 30' 168° 30' 167° 30' 166° 30' 165° 30' 164°
57'
30'
52'
St. Paul I.
PRIBILOF ISLANDS
St. George I.
Yunaska I.
Chuginadak I
Amukta I.
Amukta Pass
CRUISE OF THE
U.S. SCHOONER ANNIE
FROM SAN FRANCISCO
ANNIE are plotted from the Lat. and Long. as given in her Log (seized and now in possession of the United States) at the end of the sea day.
The number of seals taken daily, is also copied from said Log.
T. C. Merdenhall
Superintendent.

Aug 1st
This day commences with strong W.S.W. wind. middle part wind moderated. 8 am boats went out and brought in 9 seal. day ends with rain.
Teu Aug 2nd
This day commences moderate. middle part breezed up sharp from N. W. bore up for the land at 10 am. anchored under Ounimac Island. so ends the day.
Wed Aug 3rd
This day commences with strong N.W wind. vessel lying under Ounimac Island filling water. So ends the day with heavy squalls.
Thu Aug 4th
This day commences with strong W.S.W. wind, and squalls. 2 pm wind died out. 4 pm got under way and stood off shore. at 6 am put boat out. at ten am wind breezed up from E. 11.30 am one boat came on board with 5 seal. so ends the day.
Fri Aug 5th
This day commences with strong breeze from E with rain squalls. at 4 pm stood in for the land. at 8 pm anchored under the land. at 4 am sighted the Revenue steamer steering East. at 9 am hove up anchor and stood off shore. at 10 am boats went out and took 12 seal. so ends this day.

[No. 1. July 28, 1892, Washington, D. C.

L. G. SHEPARD,
Captain, U. S. Revenue Marine.]

LOG OF SCHOONER ANNIE.

From San Francisco towards Hunting & fishing.

Friday, 24 March, 1887. H. 1; Winds, N.W.; at 2 P. M. got schooner under way and proceeded to sea. Strong N.W. winds & Sharp sea at 6, P. M. cleared the heds Stood of Shore till 6 a m tacked in Shore.
25 Day of March, 1887. H. 1; Winds, N.W.; this 24 hours Strong Breezes & fine weather Vessel under easy sails Noon tacked ship & stood of shore North Rocks N by E 10 miles Dis Midnight Dito tack to Northard
26 Day of March, 1887. H.1; Winds, N.W.; this 24 hours Strong Breezes & heavy sea Vessel under Easy sail. at 12 hours midnight tack ship to Northard Noon tack Ship to Southard North Rocks Bareing N E by E 3 miles
27 Day of March, 1887. H. 1; Winds, N.W.; this day 24 hours first part Strong Breeze & fine weather. Noon Point Strong Breeze & fine weathr Pont Rays Bares E S E Dis 6 miles Midnight pont Rayes Bare S E 12 mils

From San Francisco towards North Hunting & Fishing.

28 Day of March, 1887. H. 1; Winds, W S W; this 24 hours first part Strong Breeze & fine weathr Noon of Port Royal Midnight Blowing Gale hove to under 2 Reefd Fore Sail P. M. H. 3. Winds, N by W. H. 12, Noon. Course, S. W.
29 Day of March, 1887. H. 1; Winds, N.W.; this 24 hours first part Blowing Gale from N W & heavey Sea Vessel hove to under Easy

Sail Noon Dito. Later Part Dito H. 12 P.M., Noon. Course, S W; Distance, 54; Diff. of Lat., 38; Departure, 38; Lat. by D. R., 38°. 21; Lat by Ob., 38.21 Diff. of Long., 49; Lon. in 124.21.

30 Day of March, 1887. H. 1; Courses, W S W; Winds, N W; this 24 hours first part Strong Breezes & heavy Sea & fine weather hove to under 2 Reefd Fore Sail

H. 7; Courses, N N E; at 6 a m Set Fore Stay Sail & 2 Reef Main Sail & stood to Northard H. 2, P. M.; Courses, N by W. Midnight Moderate. H 12, Noon. Course, N E by E 34 E; Distance, 7; Diff. Lat., 3; Departure, 6; Lat by D. R. 38.24; Lat by Ob. 38.24; Diff. of Long. 6; Lon. in 124.21.

31 Day of March, 1887. this 24 hours first part Modrate Breeze & calms Noon Calms poot out Boats Post Boat got 3 Seal Midnight Calm hove too H. 12; Noon. Lat. by Ob. 38.30; Lon. in 124.50.

From San Francisco towards North Hunting & Fishing.

1 Day of April, 1887.

H. 1; Winds, S W; this 24 hours light airs & calms at 6.30 a m 3 Boats started hunting Noon Boats come long Sides Post Boat one small seal after Noon foggy & fresh Breezes no Boats out H. 12 A. M., Winds, West. at 8 hours P M tack ship to westward & hove two under 2 Reefed Fore Sail Blowing heavy. H. 10, P. M., Winds, N N W. Lat. by Ob. 38.35. Long. by Ob. 125°.00.

2 Day of April, 1887. H. 1; Courses, W; Winds, N N W; this 24 hours Blowing Gale & heavy sea hed Reaching under 2 Reefd Fore Sail Midnight Dito H. 12, P. M., Noon. Lat by D. R. 39.30; Lat. by Ob. 38.30; Lon in 125.00; Lon. by Ob. 124.45.

3 Day of April, 1887. H. 1; Winds, N N W; this 24 hours first part Strong Gales & Ruff sea at 2.30 a m ware ship to Northard at 8 a m modrate set Main sail & jib Midnight Calms H. 11, P. M., Winds, N W. H. 12; Noon. Lat. by Ob. 38.18; Lon. by Ob. 125°.41.

4 Day of April, 1887. H. 1; Winds, S W; this 24 hours first part light airs & calms at 8 a m poot 3 Boats out to hunt at 2 PM took Boats onboard & Shaped course for Cape Flatery H. 9; Courses, North; Winds, SE. at Midnight past Cape Mendicone H. 3; Courses N N W; Winds S S E. H. 12; Noon. Lat by Ob. 39.10. Lon. by Ob. 124°.40.

From San Francisco towards North Hunting & Fishing.

5 Day of April, 1887. H. 1; K. 6; Courses, N N W; Winds, S E; this 24 hours first part fresh Breezy & foggy all sails set. H. 2; K. 6. H. 3; K. 6; Courses, N W. H. 4; K. 6, H. 5; K. 6. North Modrate Breezes & fine weathr H. 6. K. 6. H. 7; K. 6. H. 8; K. 6; after Noon modrate Breezes & calm. H. 9; K. 6. H. 10; K. 6. H. 11; K. 6. H. 12; K. 6. H. 1; K. 5. H. 2; K. 4. H. 3; K. 4. H. 4; K. 4; Midnight Strong Breezes & Cloudy all Sails set H. 5; K. 4. H. 6; K. 5. H. 7; K. 6. H. 8; K. 6. H. 9; K. 7. H. 10; K. 7. H. 11; K. 7. H. 12; K. 7; Noon. Lat. by Ob. 41.14; Lon. by Ob. 125°. 15.

6 Day of April, 1887. H. 1; K. 8; Winds, S E; this 24 hours first part Strong Breezes & Rainy Squalls at 4 a m took in Main Sail H. 2; K. 8. H. 3; K. 8. H. 4; K. 8. H. 5; K. 8. H. 6; K. 8; H. 7; K. 8. H. 8; K. 8; H. 9; K. 8; Winds, S W; at 9 a m heavy squall wind hauld to S W Raining hard H. 10; K. 7; 2 Reeft Fore Sail & jib 10 a m Two Reeft mainsail & set it. H. 11; K. 6. H. 12; K. 6; Noon. unsetld weather H. 1; K. 6. H. 2; K. 5. H. 3; K. 5. H. 4; K. 5.

H. 5; K. 5; H. 6; K. 5. H. 7; K. 5. H. 9; K. 5. H. 10; K. 5. H. 11; K. 5. H. 12; Noon; Midnight Modrate Breeze & Raine Squalls. Course, N 28 W; Distance, 159; Diff. of Lat. 140; Departure, 75; Lat. by D. R. 43°.35; Diff. of Lon. 18; Lon. by Ob. 126°.50.

From San Francisco towards North Fishing & Hunting.

7 Day of April, 1887. H. 1; K. 4; this 24 hours first part modrate Breezes & fin weather all sails st. Noon calms & heave sea H. 2; K. 4; N.W. Courses; Winds, W S W. H. 3; K 4; H. 5; K. 4. H. 6; K. 4. H. 7; K. 3. H. 8; K. 3; Courses, N W by N; Winds, N W. H. 9; K. 3. H. 10; K. 3. H. 11; K. 2. H. 12; K. 2. H. 1; K. 2. H. 2; K. 2. H. 3; K. 2. H. 4; K. 2; H. 5; K. 2. H. 6; K. 2. H. 7; K. 2. H. 8; K. 2. H. 9; K. 2. H. 10; K. 2. H. 11; K. 2. H. 12; Noon; Midnight fresh Breezes & fine weathr all sails st. Lat. by Ob. 45°.28. Lon. by Ob. 126°.55.

8, Day of April, 1887. H. 1; K. 2; Courses, N by W; Winds, East; this 24 hours first part fresh Breezes & fine weathr all sails set H. 2; K. 2. H. 3; K. 2. H. 4; K. 2. H. 5; K 2. H. 6; K. 2. H. 7; K. 2. H. 8; K. 3; Courses, North; Winds, N E. 9H. K. 4. H. 10; K. 5. H. 11; K. 5. H. 12; K. 5; Courses N. N. W Noon Dito. H. 1; K. 5. H. 2; K. 5. H. 3; K. 5. H. 4; K. 6. H. 5; K. 6. H. 6; K. 6. Winds, N W. H. 7; K. 6. H. 8; K. 5; Courses, NNE. H. 9; K. 5. H. 10; K. —. H. 12; Noon; Midnight Blowing heavey & heavey sea Ship head Reaching 2 Reeft Fore Sail & jib. Lat by Ob. 47.26; Lon. by Ob. 126.29.

From San Francisco towards North Fishing & Hunting.

9 Day of April, 1887. H. 1; K.—; Courses, North; Winds, W N W; this 24 hours Strong Gales & heavey sea. Noon Flatery Bares E by N 20 miles Dis H. 12; Noon. Lat by Ob. 48.26. Lon. by Ob. 125.51.

10 Day of April, 1887. this 24 first part Strong Breeze 4 fine weathr & Strong Breezes & fine weather Noon light airs & calms at 4 Pm anchored at Barclay Sound

From Snd Barckley towards Sound

Monday 11th 1887 5 a m hand on Beach & cleand on Side

Tuesday 12, Raining coud not Paint

Wensday 13 fine weather Paintd one Side

Thursday 14th fine weathr Painted anthr sid over hauld blocks & fild water

Friday 15 hauld off Calms

Satrday 16, Blowing Strong Gale from S W

Sunday 17 Blowing strong from the westard hove up & proceeded to sea

18 Day of April, 1887. H. 1; Winds, S W; Strong Gales & clear weathr Later part Raining. H 1 (P. M.) Winds, S E. H. 12; Noon. Lat by Ob. 49.14. Lon. by Ob. 126.14.

From San Francisco towards North Hunting & Fishing.

19 Day of April, 1887. H. 1; Winds, S E; this 24 hours first part Strong Breezes & Rain Noon Calms Midnight moderate Breezes & fine weathr H. 12 (P. M.) Noon. Lat by Ob. 48.42. Lon. by Ob. 127.02.

20 Day of April, 1887. H. 1; Winds, S E; this 24 hours fine weather & and light Verable & calms hove Tow at 7 am poot out Boats hunting Noon Dito H. 3 (A. M.) Winds East. Midnight, Calms. Lat by Ob. 49.°15. Lon. by Ob. 127.28.

21 Day of April, 1887. H. 1; Winds, E S E; this 24 hours first part calms & fine weathr Noon fresh Breezes & cloudy Boats not out after Noon Gerorgè Kiges 1 Seal Midnight Calms H. 12 (P. M.) Noon Lat. by D. R. 48°. 35. Lon. in 127°. 44.

22 Day of April, 1887. this 24 hours fine weather & Strong Breezes No Boats out Midnight Dito H.12; Noon. Lat. by Ob. 49.54. Lon. by Ob. 127°.54.

From San Francisco towards North Hunting & Fishing

23 Day of April, 1887. H. 1; Winds, S E; this 24 hours modrate Breeze & Cloudy at 7 am all Boats out 10 am took Boats in Blowing & Raineing hove two Midnight winds hauld to W NW & Cloudy H. 10; Winds W N W H. 12; Noon. Lat. by D. R. 49.45. Lon. in 128.24.

24 Day of April, 1887. H. 1; Winds, W N W; this 24 hours first part Strong Breezes & Cloudy hove two H. 12; Noon. Course N 54 E. Distance 26. Diff. Lat 15°. Departure, 21. Lat. by D. R. 50.00. Diff. of Lon. 83. Lon. in 127°.51.

25 Day of April, 1887. H. 1; Courses, S S W; Winds, W N W; this 24 hours first part light air & calms Noon blowing Gales & Raineing hove two 2 Reeft Fore Sail H. 2 (PM) Courses, South; Winds, E S E. H. 12; Noon. Course S 45 W; Distance 40; Diff. of Lat. 28; Departure 28; Lat. by D. R. 49.23; Diff. of Long. 43; Lon. in 128°.34.

26 Day of April, 1887. H. 1; Winds, S E; this 24 hours first part Strong winds & Rain & heavey sea Midnight Dito H. (P.M.) Winds, E S E. H. 12; Noon. Course. S 68 E. Distance 24. Diff. of Lat. 9. Departure 22. Lat. by D. R. 49.14. Diff. of Lon. 30. Lon. in 128.44.

From San Francisco towards North Hunting & Fishing.

27 Day of April, 1887. H. 1; Winds, S S E; this 24 hours first part modrate Breezes & Raining. Noon Dito Midnight Calms & Rains H. 9; Winds, W N W. H. 12; Noon. Course, N 39 E. Distance 29. Diff. of Lat. 22. Departure 18. Lat. by D. R. 48.52. Diff. of Lon. 24. Lon. in 127.40.

28 Day of April, 1887. H. 1; Winds, W N W; this 24 hours first part light airs & Calms Noon fresh Breezes & Cleare & fine weather after Noon poot out Boats to hunt No Seals H. 12; Noon. Lat. by Ob. 49.46. Lon. by Ob. 127.28.

29 Day of April, 1887. this 24 hours first part Strong Breezes & cloudy & threatining weathr. Noon, Dito. Midnight, Dito.

30 Day of April, 1887. this 24 hours first part Strong Breeze & cloudy Noon Dito Run in to Runukout Sound at 4 P. M. anchord Blowing & Raineing hard.

1 day of May 1887, Blowing & Raineing. Wind S E.
2 day of May, 1887, Blowing & Raineing wind SE.
3 " " Raineing winds S E.
4 " " " "
5 " " Clears & Calms & Southerly winds
6 " " Cloudy & Calms got under way & Proceed to Sea

Noon strong westly winds midnight calms.

From San Francisco towards North Hunting & Fishing.

7 Day of May, 1887.
H. 1; Winds, E S E; Courses, South; this 24 hours first part Strong Gales & hard Hale squalls. at 5 am Blowing Furious Gale poot schooner under Balance Reeft main sail H. 10; Bar 29.10. H. 12; Bar. 28.89; Noon modrating set 3 Reeft sails headed off shore to make sea Room 6 P M hove two under 3 Reeft Fore Sail Midnight Strong Breezes & Raine squalls. Lat. by DR. 49.40. Lon. in 128.10½

8 Day of May, 1887. H. 1; Courses, S E; Winds, S S E; this 24 hours Strong Breezes & Cleare & squally weather H. 2; Bar. 29.50. at 6 a m wore Ship to Eastward H. 7; Courses, East. Noon Dito. Midnight Calm. Lat. by D. R. 49.35. Lat. by Ob. 49.34. Lon. in 129°. 12. Lon. by Ob. 129.10½.

9 Day of May, 1887. H. 1; Winds, Calms; this 24 hours first part Light airs & calms. at 6 a m poot out Boats Noon Boats came on board Starboard after Boat 2 Seals Thomas, hunter. after noon fresh Breezes Boats out No seals. H. 1; Winds, West. Midnight Strong Breezes. H. 12; Noon. Lat. by D. R. 49.37. Lon. in 128.4.

10 Day of May, 1887. H. 1; Winds, N W; this 24 hours first part Strong Breezes & squally. Noon Dito at 6 P. M. went on board schooner. Midnight Calms. Lat by D. R. 49.35. Lon. in 128.92.

From San Francisco towards North Hunting & Fishing.

11 Day of May, 1887. H. 1; Winds, Calms; this 24 hours first part Calm & fine weather at 6 a m Boats out Hunting 3 masted Schooner in Co Thomas, one seal; George, one seal. H. 9; Winds, south. H. 4; (P. M.) Winds, S E. Lat. by D. R. 49.37. Lon. in 127.50.

12 Day of May, 1887. H. 1; Winds, East; this 24 hours first part modrate Breezes & fine weather Boats out Hunting from Noon No Seals afternoon one seal H. 5; Winds, N. E. H. 12; Noon; Midnight fine weather. Lat. by D. R. 49.49. Lat by Ob. 49.49. Lon. in 128.36.

13 Day of May, 1887. H. 1; Winds, N E; this 24 hours first part modrate Breezes & fine weath Boats out hunting Calm foure noon H. 6; Winds, Calms. afternoon modrate Breezes Tow Boats came on board H. 3; Winds, NNE. H. 4; Winds, N N E. 6.30 PM one Boat 2 seals Captains Boat out all night. Set Masthead light & Burnt torch every 10 or 15 minutes. Day light no Boat in site Sent Boats out to hunt for missing Boat. Lat. by Ob. 50 .19. Lon. by Ob. 128°.55.

14 Day of May, 1887. H. 1; Winds, NNE; this 24 hours first part modrate Breezes & fine weather. Boat out all knight H. 5; Winds, N E. 6.30 a m Boats out hunting for missing Boat Noon Boats came on board No Boat in site Run for land to see if Boat went that way H. 12; Noon; Midnight, Calm. Lat. by Ob. 50 .02. Lon. by Ob. 128.36.

From San Francisco towards North Hunting & Fishing.

15 Day of May, 1887. H. 1; Winds, N. W. & Calms; first part calms & fine weather Noon, Dito. H. 6; Courses, N N E. H. 8; Courses, N N E. H. 2 (P. M.) Courses, N N E. H. 4; Courses, N N E; at 4 P. M. Breeze Run in to land found Boat & men all wright at 6 P. M. came on board stood off shore H. 7; Courses S W. H. 9; Courses, W S W. H. 12; Noon. Lat. by Ob. 50.28. Lon. by Ob. 128.05.

16 Day of May, 1887. H. 1; Courses, W S W; Winds, N W; this 24 hours first part modrate Breezes & fine weather Noon fresh Breeze & foge Midnight Blowing strong poot schooner under 2 Reeft Foresail & hed Reaching Diff. of Lat. 19. Departure, 86. Lat. by D. R. 50.09. Diff. of Lon. 2°.14. Lon. in 130°.17.

17 Day of May, 1887. H. 1; Courses, W S W; Winds, N W; this 24 hours first part strong Gales & cloudy headreaching under 2 Reeft Fore Sail. Noon Dito Noon Dito. H. 12; Leeway 2 Points. H. 11; Noon. Lat. by D. R. 50°.14. Diff of Lon. 131°.34.

18 Day of May, 1887. H. 1; K. 2; Courses, W S W; Winds, N W; Leeway 3 points; this 24 hours first part Strong Gales & cloudy headreaching under 2 Reeft Fore Sail. H. 2; K. 2. H. 3; K. 2. H. 4; K. 2. H. 5; K. 2; H. 6; K. 2. H. 7; K. 2. H. 8; K. 2. H. 9 K. 2. H. 10; K. 2. H. 11; K. 2. H. 12; K. 2. H. 1; K. 1. Midnight Dito. Course, S 56 W. Distance, 48. Diff. of Lat. 26. Departure, 40. Lat. by D. R. 49°.48. Diff. of Lon. 1°.03. Lon. in 132°.37.

From San Francisco towards North Hunting & Fishing.

19 Day of May, 1887. H. 1; Courses, W S W; Winds, N W; Leeway 3 Points; this 24 hours first part Strong Breeze & Cloudy hove to 2 Reeft Fore Sail Noon Dto Midnight Dito H. 12; Noon. Course, S 56 W. Distance, 48. Diff. of Lat. 26. Departure, 40. Lat. by D. R. 49.22. Diff. of Lon. 1°.02. Lon. in 133.39.

20 Day of May, 1887. H. 1; Courses, W S W; Winds, N W; this 24 hours first part modrate Breezes & cloudy at 6 a m set all plaine sails & tack ship to Northard. H. 7; Courses, N W; Winds, W S W. Noon Dito. H. 12; W N W Courses; Winds, S W. Midnight Calm. Course, N 37 W. Distance 32. Diff. of Lat. 19. Departure 26. Lat. by D. R. 49°.41. Diff. of Lon. 40. Lon. in 134.19.

21 Day of May, 1887. H. 1; Courses, W; Winds, South; this 24 hours first part light airs & calms & fogey. Noon strong Breezes & cloudy H. 1; Courses. W; Winds, South. Midnight Strong Breezes & Rain Squalls. Course, N 60 W. Distance 77. Diff. of Lat. 39. Departure 66. Lat. by D. R. 50°.20. Diff. of Lon. 1°.45. Lon. in 135°.02.

22 Day of May, 1887. H. 1; Courses, W; Winds, South; this 24 hours first part Strong Breezes & cloudy & Raine Squalls. at 6 a m wind hauld to Northard & modrate H. 7; Courses SW by W; Winds, N W; tack ship Southard. Noon, Calms. Midnight Dito. H. 12; Noon. Course, N 68 W. Distance 155. Diff. of Lat. 58. Departure 144. Lat. by D. R. 51°.38. Diff. of Lon. 5°.49. Lon. in 139.22.

From San Francisco towards North Hunting & Fishing.

H. 1; Courses, West; Winds, Northrly, this 24 hours first part calms & fine weather Noon Dito H. 12; Courses, West; Winds, E. Midnight fresh Breezes & Cloudy. H. 12; Noon Course, N 68 W. Distance 24. Diff. of Lat. 9. Departure 22. Lat. by D. R. 57°.47. Lat. by Ob. 51.51. Diff. of Lon. 28. Lon. in 139.50. Lon. by Ob. 139°.24.

24 Day of May, 1887. H. 1; Courses, West; Winds, East; this 24 hours Strong Breezes & cloudy & Raine Squalls H. 6; Courses, W by S; at 6 a m Blowing hard Reeft Maine & Fore Sails. Noon Blowing Gale and high sea Bar. 29.20 Midnight modrate & Raine Course, N 75 W. Distance 113. Diff. of Lat. 29. Departure 109. Lat. by D. R. 52.20. Diff. of Lon. 2°.57. Lon. in 142°.21.

25 Day of May, 1887. H. 1; Courses, W½N; Winds, S E; this 24

hours first part light air & calms at 4 a m set all sails. H. 8; Winds, S W. Noon modrate Breezes & cleare weather H. 1 (P.M.) Courses, W by N. at 4 P.M. Reeft Fore and Maine Sails. Midnight Strong Breezes and Cloudy. H. 12; Noon. Course, N 68 W. Distance 113. Diff. of Lat. 44. Departure 104. Lat. by D. R. 53.04. Lat. by Ob. 53.30. Diff. of Lon. 2°.49. Lon. in 145°.10. Lon. by Ob. 145°.07.

26 Day of May, 1887. H. 1; Courses, W by N; Winds, South; this 24 hours first part Strong Breezes & Cloudy at 6 a m modrate set all sails. H. 8; Winds, S E. H. 10; Winds, East. Noon, Strong Breezes & Cleare Weather. Midnight Blowing Strong. H. 12; Noon. Course N 57 W. Distance 153. Diff. of Lat. 83. Departure 1°28. Lat. by D. R. 54°.54. Lat. by Ob. 55°.00. Diff. of Lon. 3°.38. Lon. in 148.45. Lon. by Obs. 147.57.

From San Francisco towards North Hunting & Fishing.

27 Day of May, 1887. this 24 hours first part Strong Breezes & fine weathr. at 6 a m Blowing Gale took in mainsail and Two Reeft Fore Sail at 8 a m made land Island of Kadiack Noon light Drifted twords Trintty Island at 8 P.M. anchord Calms.

28 Day of May, 1887. this 24 hours first part Calm at 4 a m Got under way Noon Calms Midnight Dito

29 Day of May, 1887. this 24 hours first part Calms & light Baffling winds Noon Dito at 8 a m anchord & Kiyayack Bay & fild water

30 Day of May, 1887. H. 1; Winds, S W; this 24 hours first part calm & fine weathr at 9 a m got under way & proceeded to sea H. 10; Winds, S E. at 3 P.M. cleare of Land Midnight Calms & fine weathr.

From San Francisco towards North Hunting & Fishing.

31 Day of May, 1887. H. 1; Winds, East. this 24 hours first part modrate Breeze & fine weathr at 7 a m Boats out hunting 9 a m fresh Breezes & fog Boats come on board Noon Dito Midnight Blowing hard & Rainy

1 Day of June, 1887. H. 1; Winds, East; this 24 hours first part Blowing hard & Rains Noon Dito H. 12; 4 P.M. Course N. 67 E. Distance 35. Diff. of Lat. 10. Departure 32. Lat. by D. R. 57°.13. Diff. of Lon. 59. Lon. in 152°.17.

2 Day of June, 1887. H. 1; Winds, N E; this 24 hours first part Strong Breezes & Cloudy & heavey sea Noon Dit Midnight Dit Course South. Distance 36. Diff. of Lat. 36. Lat. by D. R. 56.37. Lon. in 152°.17.

3 Day of May (June), 1887. H. 1; Winds, N E; this 24 hours first part strong Breezes & cloudy & high sea Noon Dito Midnight Modrate H. 12; Noon. Course, N 45 W. Distance 22. Diff. of Lat. 15. Departure 15. Lat. by D. R. 56°.52. Lat. by Ob. 56 .43. Diff. of Lon. 28. Lon. in 152.45.

From San Francisco towards North Hunting & Fishing.

4 Day of June, 1887. H. 1; Winds, S E; this 24 hours first part Rainey & fresh Breezes Noon Dit. Midnight Dito Lat. by D. R. 56°.16. Lon. in 153°.00.

5 Day of June, 1887. H. 1; Winds, S E; this 24 hours first part

fine weather and smooth sea Boats out Hunting Post Boat one seal H. 9 (P.M.) Noon. Lat by Ob. 56°.05. Lon. by Ob. 153.00.

6 Day of June, 1887. H. 1; Winds, S W; this 24 hours first part modrate Breeze & fine weather Boats out Hunting Captains Boat Two Seals Midnight Modrate. Lat. by Ob. 56.18. Lon. by Ob. 151°.55.

7 Day of June, 1887. H. 1; Winds, S W; this 24 hours first part modrate Breezes & fine weather Boats out 9 a m Strong Breezes & sharp sea took in Boats Lat. by Ob. 56.36. Lon. by Ob. 152.57.

From San Francisco towards North Hunting & Fishing.

8 Day of June, 1887. H. 1; Winds, S W; this 24 hours first part fine weather & smooth sea. Noon Dito Boats out Hunting No Seals Midnight foggey Lat. by Ob. 56°.09. Lon. by Ob. 153°.37.

9 Day of June, 1887. H. 1; Winds, S W; this 24 hours first part fogey Noon Dito after noon cleard Boats out fog set in Boats came in Midnight fog Lat. by D. R. 55.30. Lon. in 153°.40.

10 Day of June, 1887. H. 1; Winds S W; this 24 hours first part Cloudy & fogey Noon Dit H. 3 (P. M.) Winds South. Midnight cleare & fine weather passed Semed Islands at 11 P. M. Lat. by Ob. 55.50. Lon. 154°.30.

11 Day of June, 1887. H. 1; Winds, South; this 24 hours first part light airs & fine weathr Boath out hunting H. 11; Winds, East. Midnight Strong Breezes & Raineing H. 12; Noon. Lat. by Ob. 55°.30. Lon. by Ob. 156°.55.

From San Francisco towards North Hunting & Fishing.

12 Day of June, 1887. H. 1; Winds, N E; this 24 hours first part Strong Breezes & Raineing at 6 a m Made Sheumagin Islands at 7 a m anchored in Bend of agia thick & Raineing & Blowing Gale Midnight weather Dito.

13 Day of June, 1887. H. 1; Winds, East; this 24 hours first part Strong Breezes & fogey Noon Cleard got under way & proceeded for onger wind light Midnight Dito

14 Day of June, 1887. H. 1; Winds, N W; this 24 hours first part light airs & calms H. 8; Winds, North. at 1 P. M. Captain went on shore at onger 3 P M Started for Coal harbor on N W Side of Island Midnight Calms

15 Day of June, 1887. H. 1; Winds, North; this 24 hours Calms & light N W winds at 3 P. M. anchord in Coals harbr took in coals.

16 Day of June, 1887. H. 1; Winds, North, this 24 hours first part Calms & fine weather at 2 a m Got under way & proceeded to go to Sanack Midnight modrate Breezes

17 Day of June, 1887. H. 1; Winds, Calms & Northerly winds; this 24 hours first part calms & fine weather at Noon calms poot Boats out hunting

From San Francisco towards North Hunting.

18 Day of June, 1887. H. 1; Winds, N W; this 24 hours first part light airs Calms Boats out hunting Bird Island Baring S W

19 Day of June, 1887. H. 1; Winds, N W; this 24 hours first part modrate Breezes & fine weather Boats out hunting Bird Island

Bareing N W 10 miles Dis at 4 P. M. Boats in Run for Halesboat Island

20 Day of June, 1887. H. 1; Winds, N W; Courses, S W by W; this 24 hours first part fresh Breezes & fine weathr. at 8 a m made Haleboat Island 10 a m hove Two at 4 PM Set Sail & Ran for Ounimack Island to fill water H. 12; Noon. Lat by Ob. 54°.05. Lon. by Ob. 162°.20.

21 Day of June, 1887. H. 1; Winds, West; this 24 hours first part Strong Breezes & fine weathr Noon Dito Tack ship to Northard Midnight modrate H. 12; Noon. Lat. by Ob. 53°.14. Lon. by Ob. 163°.57.

From San Francisco towards North Hunting & Fishing.

22 Day of June, 1887. H. 1; Winds, S E; this 24 hours first part fresh Breezes & fine weathr at 12 M anchord at Cape Lutke fore water fild water Midnight Calms

23 Day of June, 1887. This 24 hours first part light airs & calms at 3 a m got under way & proceeded twords pass Noon half way through the pass Midnight Calms

24 Day of June, 1887. H. 1; Winds, East; this 24 hours first part fresh Breezes & fine weather Noon Dito Midnight Dito Lat. by Ob. 54°.33. Lon. by Ob. 166°.40.

25 Day of June, 1887. H. 1; Winds, North; this 24 hours first part Strong Breezes & Cloudy Noon Dito Midnight Modrate & fogey H. 3 (P.M.) Winds, N N W. Lat. by D. R. 54.16. Lon. in 167.09.

From San Francisco towards North Hunting & Fishing.

26 Day of June, 1887.

H. 1; Winds, N N W; this 24 hours first part modrate Breezes & fogey Noon Dito hove two Midnight Calms Lat. by D. R. 54.06. Lon. in 167.26. Lon. by Ob. 167°.26.

27 Day of June, 1887. H. 1; Winds, Northerly & Calms; this 24 hours first part Calms & fogey Noon Dito Midnight Dito Lat. by D. R. 59.08. Lon. in 167.30.

28 Day of June, 1887. this 24 hours first part light airs & calms Noon Dito Boglsoy Bares W Dis 8 Miles at 4 P M cano & 2 Indians Came on board lost schooner Anna Beck Midnight fogey

29 Day of June, 1887. this 24 hours first part Fogey & Calm Noon Dito 2 P. M. Run for Oumank Island Boglesloy Bareing W N W Dis 3 miles 12 midnight hove two

From San Francisco towards North Hunting & Fishing.

30 Day of June, 1887. this 24 hours first part Strong Breezes & cloudy Noon Dito Indians on board yet Midnight Calms Lat. by D. R. 53.15. Lon. in 169.00.

1 Day of July, 1887. H. 1; Winds, N W.; this 24 hours first part light airs & cloudy Indians onbord Noon Dito Midnight Dito Lat. by D. R. 53°.25. Lon. in 169.20.

2 Day of July, 1887. H. 1; Winds, West; this 24 hours first part Calm & cloudy Indians left and went onbord W. P. Saywood of Victoria Midnight fresh breezes & cloudy.

3 Day of July, 1887. H. 1; Winds, S W; this 24 hours first part

Strong Breezes Cloudy Noon Dito Midnight Dito Lat. by D. R. 53°.50. Lon. in 165.10.

4 Day of July, 1887. H. 1; Winds, N W; this 24 hours Strong Breeze & cloudy & light Rains Noon Dito Midnight Dito Lat. by D. R. 54.15. Lon. in 169.00.

5 Day of July, 1887. H. 1; Winds, West; this 24 hours first part Strong Gales & Raineing heavy sea making Noon Dito Midnight modrating Lat. by Ob. 54°.05. Lon. in 168°.45.

From San Francisco towards North Hunting & Fishing.

6 Day of July, 1887. H. 1; Winds, S W; this 24 hours first part heavey sea & fresh Breezes & fogey Noon Dito Midnight Dito Lat. by D. R. 55°.56. Lon. in 168.00.

7 Day of July, 1887. H. 1; Winds, S E & Calms; this 24 hours first part light airs & calms & thick fog Noon Do Midnight Do Lat. by Ob. 54°.01. Lon. in 167°.45.

8 Day of July, 1887. H. 1: Winds, S E; this 24 hours first part Strong Gales & Raineing Noon Do Midnight Do. Lat by D. R. 53.50. Lon. in 167°.40.

9 Day July, 1887. H. 1; Winds, S S E; this 24 hours first part Strong Gales & heavey sea & Raineing & fogey Noon Do Midnight Do H. 2 (P. M.) Winds, South. Lat. by Ob. 54.06. Lon. in 167°.20.

10 Day of July, 1887. H. 1; Winds, South; this 24 hours first part Strong Breezes & fogs Noon Do Midnight Do Lat. by Ob. 54.00. Lon. in 168.60.

11 Day of July, 1887. H. 1; Winds, S S W; this 24 hours first part Strong Breezes & fogs Noon Do Midnight Do Lat. by D. R. 54°.20. Lon. in 167.40.

From San Francisco towards North Hunting.

12 Day of July, 1887. H. 1; Winds, West; this 24 hours first part light airs & fogey Noon Do Midnight Do Lat. by D. R. 54.01. Lon. in 168.06.

13 Day of July, 1887. H. 1; Winds, S W; this 24 hours first part Strong Breeze & fog Noon Do Midnight Do Lat. by D. R. 54.20. Lon. in 168°.15.

14 Day of July, 1887. H. 1; Winds, S S W; this 24 hours first part Strong Gales & high Sea Noon Dito Midnight Dito Lat. by D. R. 54.24. Lon. in 168.10.

15 Day of July, 1887. H. 1; Winds, South; this 24 hours first part Strong Gales & heavey Sea Noon Dito Midnight Do Lat. by D. R. 54°.08. Lon. 168°.30.

From San Francisco towards North Hunting.

16 Day of July, 1887. H. 1; Winds, South; this 24 hours first part heavey Gales & Raineing & fog at 6 a m Run in too Morovoskoy Bay to fill water anchord at 2 30 p m Midnight Gale Blowing Still.

17 Day of July, 1887. H. 1; Winds, N W; this 24 hours first part Cleard & Calms at 5 a m Got under way & proceeded out to sea Noon fogey & light winds. Midnight Calms & fog. Lat. by D. R. 53.38. Lon. in 166.23.

18 Day of July, 1887. this 24 hours first part Calms & fog Noon Do.

19 day of July, 1887. H. 1; Winds, S E; this 24 hours first part

Strong Gales & heavey Sea. Noon Dito Midnight Do Lat. by D. R. 54.07. Lon. in 166.50.

20 day of July, 1887. H. 1; Winds, S. E; this 24 hours first part Strong Breezes & heavey Sea & fogey Noon Dito H. 10; Winds, South. Midnight, Do. Lat. by D. R. 54.08. Lon. in 166°.30.

21 Day of July, 1887. H. 1; Winds, S W; Modrate Breeze & fogey with heavey Sea Noon Calm Midnight Do. Lat. by Ob. 54°.04. Diff. of Lon. 166.20.

From San Francisco towards North Hunting.

22 Day of July, 1887. this 24 hours first part Calms & Fog Noon Dito Midnight Do. Lat. by D. R. 54°.19. Lon. in 166.40.

23 Day of July, 1887. this 24 hours first part calms & fog Noon Do. Midnight Do. Lat. by D. R. 54°.22. Lon. in 166.00.

24 Day of July, 1887. this 24 hours first part Calms & fogey Noon Do Midnight Do. Lat. by D. R. 54°.06. Lon. in 166.30.

25 Day of July, 1887. H. 1; Winds, S E; this 24 hours first part light air & fog Noon Do. Midnight Do. Lat. by D. R. 54.00. Diff. of Lon. 166.40.

26 Day of July, 1887. H. 1; Winds, S E; this 24 hours fresh Breeze & fogey & Rains. Noon Do Set sail & Shifted Grounds to N W Midnight Strong winds & fog at 10 hours P M hove Tow Lat. by D. R. 53.56. Lon. in 167°.00.

27 Day of July, 1887. H. 1; Winds, South; this 24 hours first part Strong winds & fogs Noon Do Midnight Do. Lat. by D. R. 55.30. Lon. in 168°.15.

From San Francisco towards North Hunting.

28 Day of July, 1887. H. 1; Winds, SW; this 24 hours first part Strong Breezes & fogs & Rain Noon No seals in site Change Grounds to Southard Midnight fog & Rain Lat. by D. R. 54°.30. Lon. in 167.50.

29 Day of July, 1887. H. 1; Winds, SW; this 24 hours first part Strong Breezes & fog & Raine at 6 a m hove tow seals in site Noon Do. Midnight Do. Lat. by D. R. 54°.10. Lon. in 167°.20.

30 Day of July, 1887. H. 1; Winds, SW; this 24 hours first part Modrate Breezes & fog & heavey Sea Noon Do Midnight Do Wore ship Every Tow houres Lat. by D. R. 54°.15. Lon. in 167°.10.

31 Day of July, 1887. H. 1; Winds, SW; this 24 hours first part modrate Breezes & fogs Noon Do Boats out Hunting.

From San Francisco towards North Hunting.

1 Day of August, 1887. H. 1; Winds, S E; this 24 hours fresh Breezes & fog & Rains Noon Do Midnight Do. Lat. by D. R. 54.27. Lon. in 166.20.

2 Day of August, 1887. H. 1; Winds, South; this 24 hours first part Strong Breezes & fog & Rains H. 4; Winds, S W. H. 7; Winds, West. Noon Do. Midnight Do. Lat by D. R. 54°.28. Lon. in 166.25.

3 Day of August, 1887. H. 1; Winds, West; this 24 hours Strong Breezes & Cloudy Noon Do afternoon Schooner Mountain Chief Spoke us. 345 skins onbord Midnight Calm & Rains Lat. by D. R. 54°.30. Lon. in 166°.30.

4 Day of August, 1887. this 24 hours light airs & calms & Raine Noon Do after Noon Strong Breeze & Rains Midnight Cleare & Strong Breeze Lat. by D. R. 54°.40 Lon. in 166°.20.

From San Francisco towards North Hunting.

5 Day of August, 1887. H. 1; Winds, E S E; this 24 hours first part Strong Breezes & Raine Noon Cleard of H. 2 (P. M.) Winds, S. W. Lat. by D. R. 54°.47. Lon. in 166°.50.

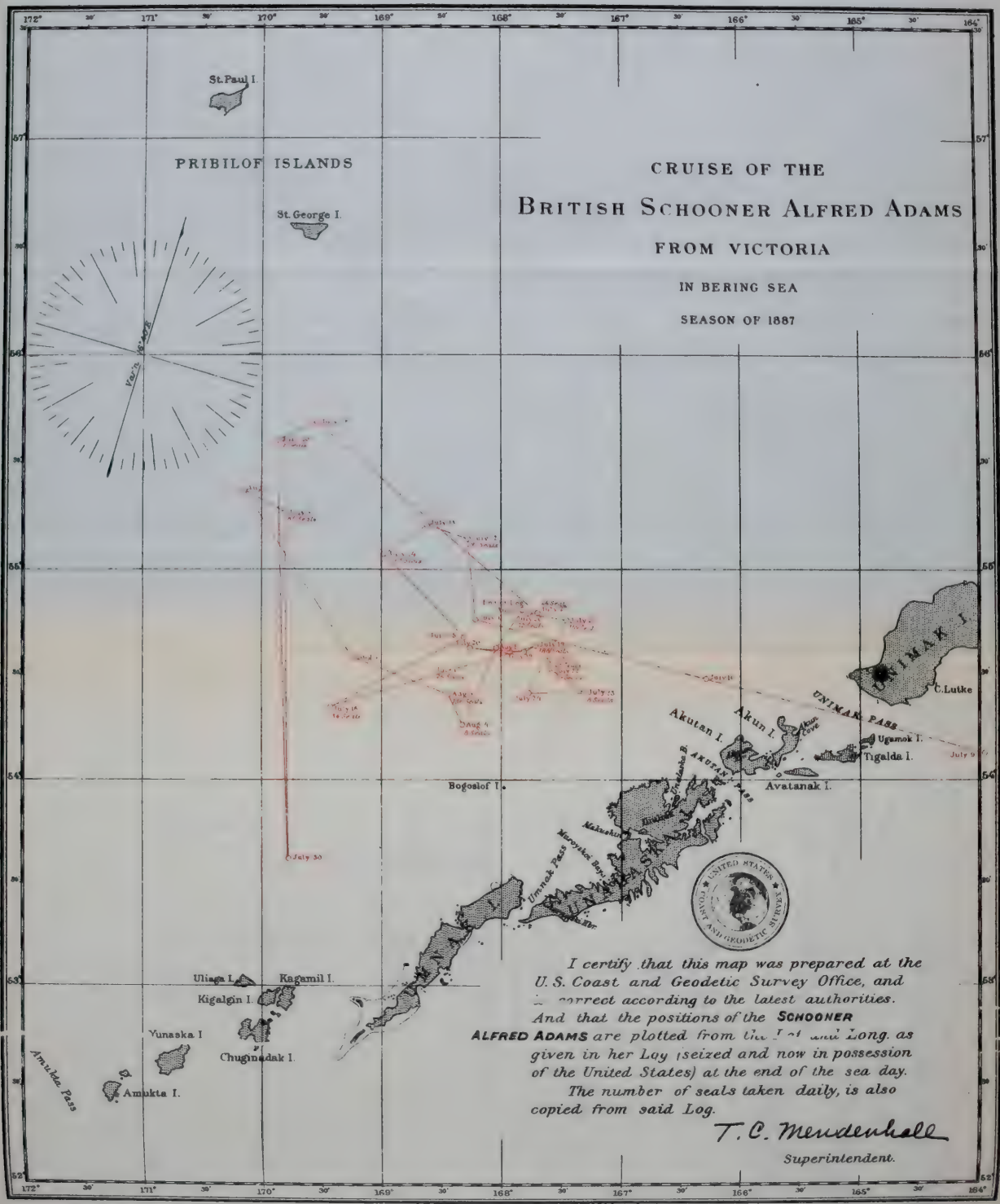
No. 2.—Washington, D. C. July 28, 1892.

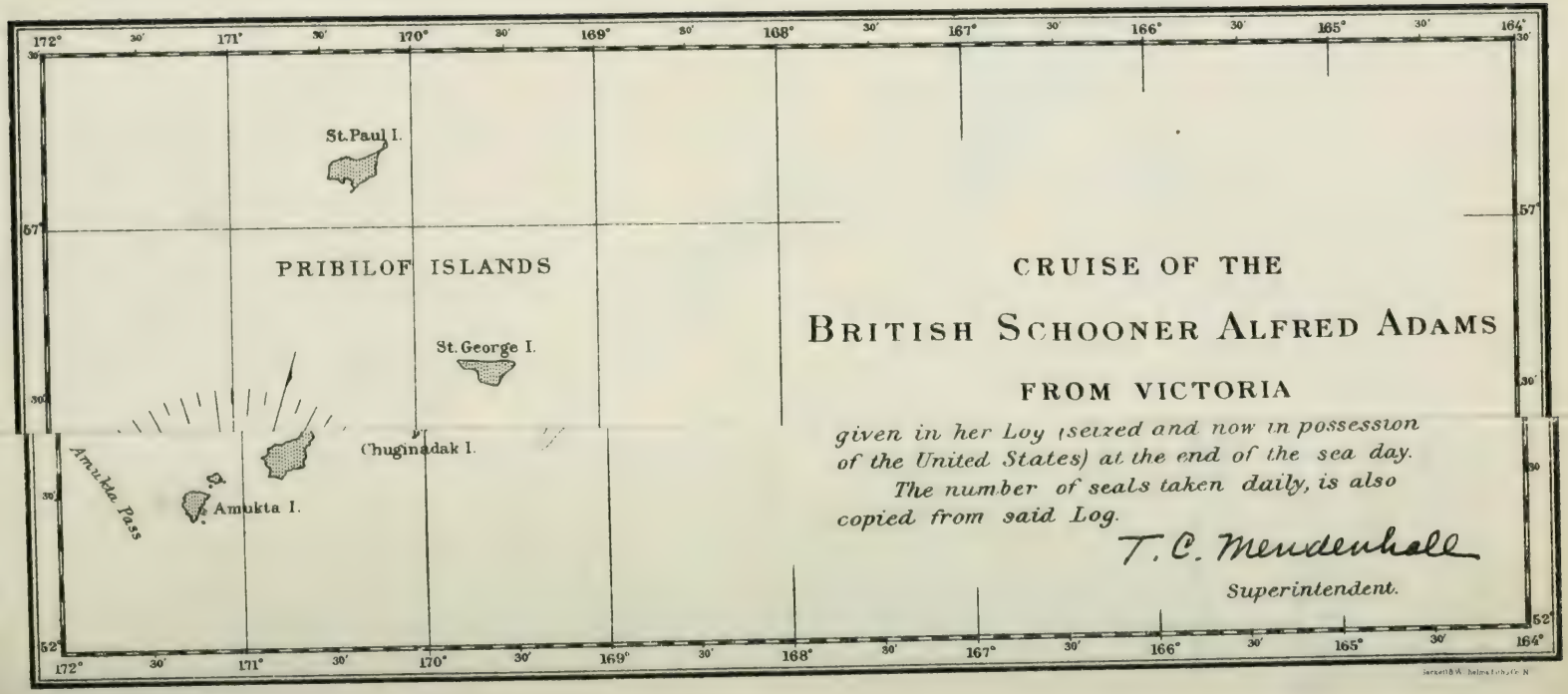
L. G. SHEPARD,
Captain Revenue Marine.

Captain's Boat, June 6th, 1887,		3	Seals.
Post Boat, G, Riges, March 31st, 1887,		3	"
	April 1, "	1	"
	April 21, "	1	"
	May 11, "	1	"
	12,	1	"
	13,	2	"
	June 5, "	1	"
	5,	1	"
May 9th, 1887,		2	Seals.
11, "		1	"
Basin Sea, Indians,	June 28,	10	"
	July 1,	2	"

Store List, Schooner Anna.

March 30th,	opend one Barrel Beef & Pork
April 3rd,	2 Sack Flour,
8,	1 " "
13,	1 " "
21,	1 " "
26,	1 " "
May 2,	1 Barrel Beef,
2,	1 Sack Flour,
7,	1 " "
11,	1 " "
15,	1 " "
20,	1 " "
23,	1 " "
	1 Barrel Beef
	1 " Pork
27,	¼ " Butter,
"	1 Sack Flour,
2 June,	1 " "
7 "	1 " "
12 "	1 " "
17 "	1 " "
24 "	1 " "
27 "	1 " "
28 "	Barr'l Beef
29 "	Barr'l Pork


CRUISE OF THE
BRITISH SCHOONER ALFRED ADAMS
FROM VICTORIA
IN BERING SEA
SEASON OF 1887
PRIBILOF ISLANDS
St. Paul I.
St. George I.
Pribilof Islands
UNIMAK I.
C. Lutke
UNIMAK PASS
Akutan I.
Akun I.
Ugamok I.
Tigalda I.
Avatanak I.
Bogoslof I.
AKUTAN PASS
Makushin
Morzhovoi Bay
Unimak Pass
UNIMAK PASS
Ulaga I.
Kagamil I.
Kigalgin I.
Yunaska I
Chuginadak I.
Amukta I.
Amukta Pass
I certify that this map was prepared at the U. S. Coast and Geodetic Survey Office, and is correct according to the latest authorities. And that the positions of the SCHOONER ALFRED ADAMS are plotted from the Lat and Long. as given in her Log (seized and now in possession of the United States) at the end of the sea day.
The number of seals taken daily, is also copied from said Log.
T. C. Mendenhall
Superintendent.


172° 30' 171° 30' 170° 30' 169° 30' 168° 30' 167° 30' 166° 30' 165° 30' 164° 30'
57°
52°
St. Paul I.
PRIBILOF ISLANDS
St. George I.
Chuginadak I.
Amukta Pass
Amukta I.
CRUISE OF THE
BRITISH SCHOONER ALFRED ADAMS
FROM VICTORIA
given in her Log (seized and now in possession of the United States) at the end of the sea day.
The number of seals taken daily, is also copied from said Log.
T. C. Merdenhall
Superintendent.

LOG OF SCHOONER ALFRED ADAMS.

Schooner Alfred Adams, log book from Victoria and Patchino, 1887, to the sealing grounds via Claycout, 1887.

21)980(4

say 3 qts p man pr day

Water in Storeroom aft Tank 500

		Cask	120	
		Do	100	
Water in fore Hold pr Blls	28	2=25	50	
siwashes Galls Each	35		6) 770	Gallons
	140		128	– 2 days
	84			
	980			
two Iron Drum Casks	150	= 26)1130(43 days		
	1130	104		
		90 for all		
		78		
		12		

July 10th Behring Sea Commenced giving Cook allowance water from Aft Hold.

		cr Gall	qts		Galls	qts
July	S 10	5		August 9 Tues		
	M 11 till to morrow Bkpt	4	2	10 W		
	T 12	5	0	11 T		
	W 13	5		12 F		
	T 14	5		13 S		
	F 15	5	11	14 Sun		
	S 16	5		15 M		
	S 17	5		16 T		
finis	M 18 1 Cask 45 Gall	5		17 W		
hd	T 19	5		18 T		
	W 20	5		19 F		
	T 21	5		20 S		
	F 22	5		21 Sun		
	S 23	5		22 M		
	S 24	5		23 T		
	M 25	5		24 W		
	T 26	5		25 T		
	W 27 Commenced to use from Big Cask	5		26 F		
	F 28	5		27 S		
	F 29	5		28 Sun		
	S 30	5		29 M		
	S 31	5		30 T		
August	1	5		31 W		
	T 2	5		1 Sept.		
	W 3	5		2 F		
	T 4			3 S		
	F 5			4 S		
	S 6			5 M		
	S 7			6 T		
	M 8			7 W		

1 small lard can 3 lbs or 3 Pints = 12 cans = 36 Pts 7 Men allowed 4 Cans 1 Meal

Tuesday 14th Civil Time
Nautical Wednesday 15th June /87

Hours.	K.	F.	Courses.	Winds.	LeeW	Remarks.
1			1 P M Cleared St Dun Harbour			
2			2 " stood in to Neah Bay to lang			
3			Doe to get His clothes But failed			
4			to return in *Canoe*			
5			*Does Canoe* & man came on Board			
6			in the Straits			
7						
8						Taloost Lt
9						
10						
11						Mdnt Cape Flattery
12				Calm		S. S. E.
1						
2						
3						5 A M Chief Charley
4						went to Nitnatt to get
6				Calm		another man
6	2		N N E	E S E		6 A M light air
7	2					tood into Nitnatt
8	2			thick		to pick up Canoes
9	lying too			rain		10 A M Came alongside
10						squared away for
11	2		W by S			Cape Beale
12	2		"			Noon to day thick
						Rain and nasty sea.

Lat Long

Nautical—Thursday 16th June /87.

Hours.	K.	F.	Courses.	Winds.	LW	Remarks.
1	1	4	W by N	Esterlie		Nasty Sea thick
2		¼	W by N	"		Rain unshipped
3		¾	West	"		Davits & Got Boat
4		0	W by S	Calm		on Board Came to
5						anchor in 20 fthm with
6			Scarsely steering			Kedge Sea Heaving in
7						shore
8						
9	4					9 PM a Breeze from west
10	3		S S W	West		Hove up and made sail
11	3			Vble		Nasty Sea
12	3					Mdnt Cape Beal
1	3		SW by S	West		N by W 12 Miles
2	3					Dble Reefd Msl
3	3					fresh clear
4	3			Vble		4 PM Do
5	3		S S W			
6	2	4				
7	2	4				
8	3					8 AM Do Weather
9	2	4	N N W	Hove ship to N W		
10	2	4				10-30 AM Made sail
11	4					
12	4					

Course	dist	N.	S.	E	W		Lat	Long
						Cape Beal	48° 48′	125° 13¼′
S 5 W	12		6-9		10-0		36	41
S 4 W	23		16-3		16-3		49 -24	125 -54
North	13		13-0		—			
			36-0		26-3			

Friday 17th June /87.

H.	K.	F.	Courses.	Winds.	Lwy	Remarks for
1	6		N N W½W	West		Fresh Wind and a
2	6					Nasty Sea
3	6					4 PM Passed in through
4	6					the Starlight Reefs &
5	5		S S W½W			Beat up to Lookout
6	4	4	N N W			Island stood off
7	4	4	S S W½W	From		4-30 to 5-30 & Tacked
8	4	4				in
9	4	4				8 PM Dble reefed Mnsl
10	3					& Stowed Jib pumps choking
11	3					Ship making water 12 in
12	3					in the Well
1	3		N by W			Midnt strong wind and
2	3					a nasty sea hove around
3	2	4				4 AM made all sail
4	3					6 AM Calm light air
5	2					
6	2					8 AM light air from S E
7						9 AM Set Mnsl
8			Calm.			Noon light airs from West
9	1			West		Standing in towards
10	2		N W.			Claycout
11	2					
12	2		N N W			

		N	S	E	W	Lat	Long
S 4½ W			20-3		24-7	48°- 55′	125°- 31½
N 1 E	16	15-7		3-1		41	
N 2 W	6	5-3			2-8	49 -36	
		21-0	20-3	3-1	27-5		
	69						

Saturday 18th June /87.

H.	K.	F.	Courses.	Winds.	Leewy	Remarks for
1						2 PM sent Boat on
2						shore to get a cook
3						for the Indians
4						4 PM Wind light and
5						no signs of canoe coming
6						stood into the Harbour
7						5 PM came to anchor
8						in 4 fthm of Villiage
9						Island Went on shore
10						to store brought off
11						stores cook &c
12			Mdnt thick Drizely rain			
1						4 AM got under way &
2						went to sea
3				East		4–30 cleared the Harbour
4–30			S W by S			Stood out to Sea
5–6	5		N S W	S E		5–6 AM
5–25						
6–	7		W½S			5–35
7	7					6
8–30	8					
9	5		W by N			8–20 Put log over
10	4					up to Noon 15 miles
11	4		N W	E S		Bone Isd Claycot
12	4				Lat 49–7	Long 125–55½
S 5 W	3		– 1–7	– 2–5	18	1– 2
West	4		– –	– 4–		
N6½W	22		6–4 –	– 21–1	49–20	126–57
N5W	15		8–3 –	– 12–5		
					98–27	
			14–7 1–7	– 40–1		
			1–7		49–13	
					90–00	
			13–0			
					40–47	
to 4 PM					49–20	126–57
N5W	20		11–1	16–6	11	26
					49–31	127 23

Sunday 19th / 87

H.	K.	F.	Courses.	Winds.	Lwy	Remarks &c
1	5		W by N	South	1	Rain with Vble Weather &
2	5			Vble		a Nasty sea on
3	5					
4	5					
5	4					
6	3					
7	3					
8	3	4			1	
9	3	4	West			9-30 PM 38 miles on the log
10	4		W by S			1 Cape Cook Bearing WNW
11	4		Hauled off and allowed			1 Pt leeway although runing
12	4		with fair wind			Mdnt Cape Cook
1	5		W ½ N			NNE 25 log showes 50 since
2	5					Noon
3	5					
4	5		W by N			4 AM log 66 M Vble wind
5	3	4				rain High Sea
6	3	4				6 AM Shot & Speared a seal
7	3	4				lowered a canoe to pick him up
8	3	4	W by S			Squally Nasty Sea runing
9	2	4				8 AM Do Weather
10	2	4			Noon	showery with Vble winds
11	2	4				62°- 30′ Log 85M
12	2	4				

Course	dist.	N	S	E	W
N 4 W	34 *24*[1]	24	–	–	24
N 5 W	4	2-2	–	–	3-3-
N 6 W	12	4-6	–	–	11-1
		30-8	–	–	16-8
N 5½ W	5	2-4			4-4
N 5 W	29	16-1			24-1
		18-5			28-5

	Lat	Long
yestdy	49°-20′	126°-57′
	31	26
	49 -51	127 -23
	19	44
Noon	50 -10	128 - 7
	62 - 30	
	10	
	62 - 40	
	90 - 00	
	27 - 20	
	23 - 26	
	50 - 46	

1 Seal 19 June

[1]Erased in original.

Monday 20th /87.

H	K	F	Courses	Winds	Lw	Remarks &c
1	3	4	W by S	South		PM a nasty sea showery
2	3	4		Vble		P L 14
3	3	4				
4	3	4				
5	4	4				
6	4	4				6 PM Triangle Isd NNE
7	5	4				More moderate sea going down
8	6	4				8 PM 35 p L showery with
9	7					nasty Haad sea going Bows
10	7					in Occasionally
11	7					
12	7					Mdnt thick rain PL 63
1	7		West			a nasty sea ship making
2	8					water
3	8					
4	8					4 AM Dble reefed Mnsl
5	7					PL 94 m
6	6	4				
7	6	4				8 AM fresh wind Rud a toping
8	6	4				Sea shipping occasional
9	7	4				Water PL20
10	7	4				
11	7	4	30			Noon Cloudy PL 50 m
12	7	4				Watch 45 m slow cleared off
						But cloudy

Lat obs 51°–35′ N
ac 50 –55
correctd " 51 –31

Long 132°–42′
" 132 –15

Tuesday 21st /87

H	K	F	Courses	Winds	Lw	Remarks	
1	5		West			PM dark cloudy	
2	5					Sea going down	
3	5	4					
4	6	4				4 PM Do	
5	6						
6	6					2 PM thick nasty sea	
7	6					7 PM Dble reefd Mnsl	
8	6					8 PM 46 miles Clear	
9	5		W by N				
10	5						
11	4						
12	4					Mdnt 63 M	
1	8						
2	8		West			West 1¼ Hr	
3	8		W by N				
4	8					4 AM Clear PL 97	146
5	8						
6	8					8 AM PL	
7	7					10 AM Wind Veering to SW PL 44	
8	7					10 30	146
9	7					Noon cloudy pumps Noon	155
10 30	7		W N W	attended to fitting new jib pennant			
11	7		NW by N				
12	6						

Lat 53°–23′ Long 135–39

Wednesday 22 /87

H	K	F	Courses	Winds	Lwy	Remarks
1	4		N N W	West		P M lowered the foresail and
2	4					Put a Over Hall patch
3	4					
4	4					
5	4					
6	4	4				6 PM 25
7	4	4				
8 30	4					8-30 PM sky clearing made sail
9	4		NW			But still a nasty sea running
10	4					
11	4	4				
12	4	4				Mdnt 50 m fine
1	7	4				
2	7	4				
3	7	4				
4	7	4				4 AM PL 80
5	7					
6	7		NW by N			
7	7		N W			
8	6					8 AM PL 107 fine weather sky clear
9	6					
10	6					
11	6					Noon PL 130 fine with showers
12	6					Sea going down
			Lat 55 -38			Long 136°-18′ W
			55 -37			
						Var 2 ¼ Eastly

Thursday 23rd /87

H	K	F	Courses	Winds	Lwy	Remarks
1	7		N W	W S W		PM fine weather and
2	7					a smooth sea set the
3	7					main sail
4	7					4 PM fine
5	7					6 PM Do
6	6					
7	6				PM	7-40 wind veering westly
8	6					PL 53
9	4	4	W N W			
10	4	4				
11	4					
12	4	4		Mdnt	PL	70 showery with a little
1	4		W by N¼N			extra wind at times
2	4					2 AM 78 Do weather
3	3	4	W N W			
4	3	4				4 AM Squally with rain
5	3					
6	3					
7	3		W by N			
8	3					8 AM PL 97 light winds rain
9	1					
10	1					10 AM lowered canoe to sleeper
11	1					Seal
12						PL 100 Calm light rain
			Lat obs 57°-26′ N			Long 137°-50 a/c
			57 -24			137 -23 Char
						Var 2¼ Eastly.

Friday 24th /87

H	K	F	Courses	Winds	Ly	Remarks
1			W S W			PM light Easterly airs
2						
3						Calm
4						
5					4-40	Put out P Log
6						
7					8 PM	took main sail in
8					Calm	Nasty Sea
9						
10						
11						
12						Midnt Calm plenty of
1						wakeful seal around
2						
3						
4					4 AM	a light air set mnsl
5						
6			S S W	West	8 AM	a light Breeze with
7	1				rain	
8	2			Vble	10 AM	all canoes went out
9	2	4	S W¼ S		returned	
10	2					
11	2	4				
12	2	4			Noon	light winds
					fine	
		Lat				
			57 -21 N		Long 138 -6 W	
			No obs			Var 2¼ Estly

Jack 2 Seals Ketsatne & Doctor
Joseph 1 & 2 pups
Jack 1 Seal Nitnat) Dockawa & Dathmath
Jenny 1 pup
Jenny Thompson 3 Seals
Old Som 3 Seals 1 pup

Saturday 25th June /87.

H	K	F	Courses	Winds	Lwy	Remarks
1	3		SW by S	WNW		All canoes out
2	3					returned at 5 PM
3	3					light winds West to
4	3					
5	2		North	Calms		Tacked to pick up a canoe
6	2		SW by S	" "		
7	1			"		
8	1			"		PL 14 M wind lt dont
9			SSW	"		register
10						Calms
11	1					
12	1			Mdnt		Pl 20 fine light airs
1	5		S by W			& Calm
2	5					
3	5				4 AM PL 40	Do Weather
4	5					
5	1	4				
6	1	4			8 AM	Do not any seal
7	1	4			about	
8	1	4				
9	1	4			Noon	Calm overcast &
10	1	4			dull	Siwashes repairing
11	1				& refitting canoes	
12	1				PL 52	

Lat 56 – 49 Long 139 – 10 No Obs Var 2 ¼ E

Sunday 26th /87

H	K	F	Courses	Winds	Lee	Remarks
1	3		S by W	West	PM fine light air of wind	
2	3				all possible sail set	
3	3				Whales about and a	
4	3			Vble	solitary seal occasionally	
5	3				Overcast cloudy	
6	3					
7	3	4				
8	3	4			8 PM PL 25	
9	3		South		9 PM Tacked to NW Wind	
10	3	4	NW by W		Very Vble (PL 28)	
11	3	4	W N W			
12	3	4		S W	Mdnt Cloudy	
1	3	4	W S W		PL 38	
2	3	4				
3	2	4				
4	2	4		S E	4 PM 50 an increasing wind	
5	6		SW by W½W		a slight westerly sea on	
6	6					
7	6				8 AM Steady S E breeze	
8	6				P log 73 Rain	
9	8				10 AM Dble reefd Mnsl	
10	8				Noon PL 105 rain with a	
11	8			rising sea	did not alter log to day	
12	8					

Lat 56 – 36 N Long 155°– 55′ W

No Observation

Var 2 ½ Pts Eastly

Monday 27th June /87.

H	K	F	Courses	Winds	Lwy	Remarks
1	6		SW by W½W	SE	PM a sea rising with	
2	6				fresh wind attended with	
3	6	4			rain	
4	6	4			4 PM PL 30 Wind lighter	
5	3	4	S W			
6	3	4				
7	3					
8	3					
9	3					
10	3					
11	3					
12	3				Mdnt calms PL 50	
1	3	4				
2	3	4				
3	3	4				
4	4	4			4 AM Do Weather	
5					PL 65	
6						
7						
8					8 AM Calm PL	
9						
10	1					
11	1				Noon Calm light air	
12	1				Vble PL 68	

Variation 2¼ pts Easty.

Lat 55 – 49 N Long 143 – 53 W

Tuesday 28th /87

H	K	F	Courses	Winds	Ly	Remarks
1	2		W S W	West	PM thick rain	
2	2			Vble		
3	3		West			
4	3				4 PM PL 9½ thick rain	
5	3					
6	3					
7	3	4				
8	3	4			8 PM thick rain light wind	
9	6	4	W by S		PL 23	
10	6	4				
11	6	4				
12	6	4			Mdnt PL 40	
1	2	4	S W			
2	2	4				
3	2					
4	2		SW by W		4 AM PL 49 Clear	
5	2					
6	2					
7	2					
8	2					
9	2				Noon PL 64 fine winds	
10	2				light Vble seen no seals	
11	2				Wind very variable	
12	2				Variation 2½ Pts Eastly	
			Lat 56°– 11		Long 145°–51′ W	

Wednesday 29 June /87

H	K?	F	Courses.	Winds	Lwy	Remarks
1	2		S W	N E		PM fine wind light &
2	2					
3	2					Vble Mn Boom Toping lift gave
4	2				away also lowered and	
5	2				reefd Mainsail & Foresail	
6	2	4				
7	2	4				
8	2				8 PM PL 15	
9	2	4	West			
10	2	4				
11	2	4				
12	2	4			Mdnt PL 25	
1	3	4				
2	3	4	S W		34 Showery	
3	3	4				
4	3	4			PL 40 fine	
5	3	4				
6	3	4	W S W		6 PM thick rain	
7	3	4				
8	3	4			8 PM PL 54 Damp clear	
9	5	4				
10	5	4			Noon PL 75 Dull overcast	
11	5					
12	5			Lat obs 56°– 6 N		Long ⅔ 147 – 58
				⅔ 56°–17 W		
					Var 2½ Pts Estly	

Thursday 30th /87

H	K	F	Courses	Winds	Lwy	Remarks
1	5	4	SW by W	NE to		PM fine overcast sea smooth
2	5	4		North		no seals about
3	5	4				
4	5	4				4 PM PL 21 restowing
5	5	4	W S W			provisions
6	5	4				
7	5	4				
8	6	4			8 PM 45 PL Cloudy	
9	3	4	SW by W			
10	3	4				
11	3					
12	3					
1	3					
2	3					
3	3					
4	3				4 AM PL 70	
5	2	4				
6	1	4				
7	1	4				
8	1	4			8 AM PL 77 Overcast wind lit	
9	2	4			almost calm	
10	2	4				
11	2	4			Noon Overcast Pl 88	
12	2	4				

Friday July 1st /87.

H	K	F	Courses	Winds	Lwy	Remarks
1	3		S W			PM fine Clear Horison
2	3					Sky cloudy wind light
3	3					Pl 14 M
4	3					
5	4					
6	4					
7	4					
8	4				8 PM Pl 28	
9	4		W S W			
10	4					
11	4					
12	3				Mdnt pl 43	
1	5	4				
2	5	4				
3	5	4				
4	5	4			4 AM 65	
5	6	4	SW by W			
6	6	4	S W			
7	6					
8	6				8 AM Pl 90	
9	5		S S W			
10	5		S by W ½ W		11 AM Pl 105 tacked to N W	
11	5					
12	3		NW ½ N		Noon fine cold clear with	
					a nasty short W stly Sea	

Saturday 2d /87

H	K	F	Courses	Winds	Leewy	Remarks
1	4		N W	W S W		PM Cloudy fine short chops of sea
2	5					
3	5					
4	5					4 PM PL 19 fine smooth
5	4		S by W			Tacked Ship
6	4					
7	4		South			
8	4					8 PM 34½ Tacked to W N W
9	4		W by N			
10	4					
11	4					
12	4					Mdnt PL 50 M
1	4					
2	4					
3	4		W N W			
4	4					
5	4	4				
6	4	4				
7	4		NW by N½N			7-15 AM PL 80 Wore ship wind 1t
8	4		S E			Light House Rks bore NW by N 2
9	5			miles		8 AM Cloudy Overcast
10	5					
11	5		W by S			Noon PL 98 sun shining fine
12	5		N	S W		with passing clouds
N 1 W		2	2-0	E	0-4	plenty seals awake
S 2 E		13	[1] *12*-0	12-5-E		Rock Bearing
N 7 W		10	2-0		9-8	by compass
Lat Noon		55-42	4-0	12-0	10-2	
		8 N		4-0	5-0	
7-15 AM		55-50		8-0	5-2	
Rock		Position				

[1] Erased in original

Sunday July 3d/87

H	K	F	Courses	Winds	Leewy	Remarks
1	4		SW by W½W			PM fine wind vering sthly
2	4					wake seals traveling
3 30	4		S W			
4	4					4 PM 16 fine wind veering
5			SW by S			to S E Glass standing to
6						29-30 Generally
7						
8						8 AM PL 35
9						
10						10 PM Dble reefd mnsl
11						
12						Mont 50 miles PL
1						
2						2 AM Saw the Lumagin Isds
3						about 8 miles off
4						4-30 AM Passed down Attkins Id
5						Which is Bold very High & rather Steep
6						on all sides rather conspicuous when
7						making from N to E
8						Simeonoff appears like two sugarloaf
9						Isds apart with a Deep Hollow between
10						on nearer approach It shows a long low
11						piece of Land Extending in a S E
12						direction for some 6 miles beyond the
						southernmost Hill
						Runing down through 12 fthm strait
						the Entrance to Simeonoff Harbour
						is Hidden by a long low strech of
						Land gradually Extending from the
						S W Mountain to level with the water
						the S Western Point Projecting about
						2 miles to the N W of the Entrance
						which runs in a E N E direction
						for about 2 mile opposite an House
						Occupied by Otter Hunters in 11 feet
						at Low Water Filled Water and Washed
						clothes and got ready to sail

N B Chart decribes the depth of water 3 fthm at Low spring tides When really their is but 11 feet

8 AM Blew very Hard with rain wind S E

Monday 4th.

H	K	F	Courses	Winds	Leewy	Remarks
1						PM all hands washing
2						clothes
3						4 PM got under way
4						6 Calm Came to again
5						in outer part of Harbour
6						in 5 fthms
7						
8						
9						
10						
11						
12						mdnt light N W airs
1						
2						
3						3 AM Got under way and
4						proceeded to sea
5						
6						7 AM Harbour Bearing E N E
7						3 miles put out the Log
8			This Reef Extends 2 miles to Southward			
9						
10						
11					Noon Calm off Cherbroar Isd	
12					about 4 miles N by W	
			Note Glass 29—30		Wind S W to West	

Tuesday 5th

H	K	F	Courses	Winds	Leey	Remarks
1						
2						PM Calm with a
3						nasty swell on
4						
5						
6					8 PM	West end
7					W by N and middle of	
8					Sineou Isd bearing N by W	
9			S ½ E		PL 10 M	
10						
11						
12					Mdnt 25	
1						
2						
3			NW ½ W			
4					4 AM 35	
5						
6						
7						
8					8 AM fine	Canoes
9					made a move to the	
10					wastward	
11						
12					Noon fine lt airs west	
					Canoes returning	
			Lat 54 – 42		Long 159°– 56′ W	

Var 1¾ Pts Eastly

Wednesday 6th

H	K	F	Courses	Winds	Leey	Remarks
1	1		WNW	Vble	PM	Calm with lit Wstly
2	1				airs	Canoes returned with
3	1		SW by W	Light	4 seals	
4	2			"		
5	2			"		
6	2		SW by S			
7	2			"	8 PM light rain wind	
8	2				freshening	
9	3					
10	5				10 PM fresh West wind	
11	6		SW by W	NW		
12	6				Mdnt PL 35	
1	5					
2	5		SW			
3	4				4 AM PL 51	
4	4				5 AM Breaking off Tacked	
5	4		S by W		to NW	
6	3		NW			
7	3				8 AM fine wind light	
8	3				from	
9	3					
10	3				11-20 AM tacked to south PL 74	
11	3					
12	3		South		Noon fine PL 75	
					Lat 54–29 Long $^{a}{}_{c}$ 161–34	
					Chr	
					Var 1¾ Pts Eastly	

Thursday 7th July /87

H	K	F	Courses	Winds	Lwy	Remarks
1	1	4	S by W		PM light winds and Vble	
2	1	4			Rep Musl	
3	1	4			4-40 PM Tacked PL 7 M	
4	1	4			Canoe took a turn to look	
5	2	4			for seals	
6	2	4	N W by W		PM Tacked	
7	3					
8	2				8 PM Calm light rain	
9					Sannaka Id mdle N W Mountain	
10					on Unimak Id W½S PL 16 M	
11						
12					Mdnt Calm	
1	4	4	SW by S½S			
2	3	4				
3	3				4 AM PL 29	
4	3					
5	2					
6	2					
7	2				7 AM 36	
8	1					
9					Calm with a nasty Ground	
10					Swell noking Sails to Rags	
11						
12					Noon Calm as usual	

Note Glass Rising from 29—30

Friday 8th /87

H	K	F	Courses	Winds	Leey	Remarks
1						PM Calm with a heavy
2	1		SSW	West		Ground swell ship rolling
3	3					and thrashing sails heavily
4	4					2 PM a light Breeze from west
5	5		NW by N			5 PM Tacked to NW fresh wind
6	5		NNW			6–80 Isld NNW ½ W
7	5					Snowy Mountain WNW
8	5					8 PM Mountains NW by W & NW
9	4		NW by W			Pl 64 M Pt on Port Shore about
10	4					W by N
11	4					11–30 tacked to southward moderate
12	4					Mdnt Pl 80 Saunaka Isd
1	4	4	S by E			NNE 20 M
2	4	4				
3	4	4	WNW			
4	4	4				4 AM Moderate Fine
5	4	4				
6	4	4	SSE			6 AM Pl 108 The Outlines
7	3					of the Land and indentations
8	4		W by N	+		are very deficiently described
9	4					on the Chart
10	5		SE by S			7–30 Tacked to WNW Pl 116
11	5					9–30 Tacked off SW End of Onimak
12	5		W by N	+		11–40 Tacked to Westward

Note — A gratually Rising Glass Sun Obscured all the time with dense clouds Wind from S West to West

Saturday 9th July/87.

H	K	F	Courses	Winds	Leey	Remarks
1	4		W N W			PM thick air and a
2	4					fresh wind
3	4		S E W		3–30	PM Ngama Id SW by W
4	4		S S E		dark	cloudy
5	2				4 PM	PL 16 M
6	2				8 PM	PL 28 M
7	2		W N W			
8	4		South			
9	1					
10	1					
11	1				Mdnt	Calm
12						
1						
2						
3					3–30	AM St Mnsl
4					light air	
5						
6	1		SE by S			
7	1					
8	1					8 AM Calm Dead Sky overcast
9	1	4			Glass	30
10	1	4	N W		Noon	PL 40 Lowered Canoes to
11	1	4		†	look for seals	
12	1	4		obs	Lat 54 – 7	Long 163–57 By Bangs
					⅗ 54– 21	" 163–49 of Isd
					Var 1¼ East	

Note — Glass at 30 Calm sky cloudy wind southernly & S W fog & drizzly rain sky densely overcast most of the time with a southerly swell

† Canoes lowered

Sunday 10th/87

H	K	F	Courses	Winds	Leey	Remarks
1	2	4	West	SW	PM light airs from SW a	
2	2	4			Southerly swell	
3	2	4				
4	2	4			3 PM PL 10	
5	5		W by N			
6	5					
7	5		W S W	Sth		
8	5				8 PM	Id NW by N 3 M
9	1		West	SE	Calm light airs PL 30 M	
11	2					
12	2				Midnt	wind light from SE
1	2					
2	2					
3	3				4 AM fine wind light	
4	4				and Vble	
5	4		West		6 AM Strong wind rising	
6	5				Dble reefd Mnsl furld Jib	
7	4	4	W by S		8 AM PL 65, nasty sea with	
8	4	4				
9	5				10 less wind Nasty sea	
10	5					
11	5				Noon PL 87 strong wind	
12	5				and Rain	

Lat 54°–28′N Long 166°–17′ W
Var 1 ¾ Pt East

Monday 11th July /87

H	K	F	Courses	Winds	Leey	Remarks
1			W by S		PM thick rain	nasty sea
2					3 PM shot seal	lowered canoe
3					But lost it.	Made sail
4					4 PM	
5						
6						
7						
8					8 PM Wind light Vble	
9					Nasty swell	
10						
11						
12					Mdnt rain with a light	
1					wind PL 17	
2						
3						
4					4 AM PM 27 M not so much	
5					swell	
6						
7						
8					8 PM thick and Clear	
9	5		West			
10	5				PL 40	
11	5		W by N			
12	5				Noon PL 60	

Lat 54°–45′ Long 168°–12′ W
Var 1¼ Pts East

Tuesday 12th

H	K	F	Courses	Winds	Lwy	Remarks
1	1	4	NSW			PM Lowered Canoes
2	1	4				Clear at intervals and thick
3	1	4				Occasionally
4	1	4				4 PM Canoes returned with
5			NW			seals
6						
7						
8						8 PM furld Mnsl and Jib
9						cruising on the Sealing ground
10						thick rain
11						
12						Midnt moderate fine PL
1						
2						
3						
4						4 AM Canoes started for seals
5						
6						
7						
8						8 AM thick and clear occasionally
9	2		NNW			PL 31 M
10	2					
11	1		North			Noon PL 35 Canoes came
12	1					Home with

Lat 55°–8′ Long 168°–16′ W

Var 1¾ E

PM lower Canoes in Behring Sea

X 91 seals first sealing day

Wednesday 13th

H	K	F	Courses	Winds	Leewy	Remarks
1	1	4	North		2 PM Tacked to west	Canoes
2	1	4			Went out again	
3	1		West			
4	1					
5					5 PM canoes returned with seals	
6						
7						
8					8 PM Calm light airs	
9					all canoes on Board	
10						
11						
12					Mdnt Calm	
1			SE			
2						
3			NW		4 AM sheets calm	
4					canoes out for Seals	
5					5	
6					Sky Generally Overcast and	
7					Mist or thick rain	
8						
9					8 AM thick and clear	
10					occasionally Canoes	
11	1		SW		returned S to N	
12	1				Lat 55°–12′ N Long 168°– 16 W	
						168 – 36

Var 1¾ Eastly

+ Canoes out all day coming and going

Thursday 14th.

H	K	F	Courses	Winds	Lwy	Remarks
1	1		WSW	South		
2	1					
3	1					PM fine weather
4	1					Canoes out sealing
5	1					Weather clear
6	1		E by S	+	5 PM	returned; wore to the
7	1					S E wind lt clear
8	1				9–30	PM put out P log
9	1		E by N			wind increasing
10	1					Dble reefd Mnsl and Jib
11	1					
12	1					
1	1		SW by W		Mdnt	wore to S W
2	1					
3	1					
4	1					
5	1	4			4 AM	thick rain with a fresh
6	1	4			Wind	
7	1	4				
8	1	4				
9	1	4	SW by S		8 AM	P L only 5
10	1	4				
11	1	4				
12	1	4				
					Noon	Much rain and an
						iner Wind With a falling
					Glass	29-20 Wind SE
					Lat 55°–4′	Long 168°–58′ W
						Var 1 ¾ East

Canoes out and returned with seals 63
5 PM of Civil day

Friday 15th July /87

H	K	F	Courses	Winds	Lwy	Remarks
1	1	4	S by W¼W SE		1½	
2	1	4				
3	1	4				PM Torrents of rain
4	1	4				and a strong wind
5	1		"			
6	1				3	
7	1					
8	1					8 PM a very heavy cross
9	1		SW by S			sea running ship laboring
10	1				3	Heavy pumps attended
11	1					to
12	1					
1		4				Mdnt thick rain and
2		4				a nasty sea
3		4				
4		4				4 AM Wore around to
5		4				south
6		4				
7		4				8 AM put out p log 8 m
8	1		SE by S			a nasty sea running
9	5					
10	5					Noon Strong wind with a nasty
11	5					sea running
12	5					

Lat Noon 54° 40′ N
Long 168° 18 W

Var 1¼ E

Saturday 16th /87

H	K	F	Courses	Winds	Lwy	Remarks
1		up	SW	West	5	PM Strong wind and
2		off	South		"	a High cross sea running
3		up	South		"	
4		off	ESE		"	
5	1	4	South		2½	
6	1	4			"	
7	1	4			"	
8	1	4			"	8 PM thick and Dirty
9	1					wind SW sea more regular
10	1					10 PM Wore to the WNW
11	"	6	W by N	SW	2	
12	"	6				Mdnt thick air and
1		6	West			2 a nasty sea on wind
2		6				Backening
3		6				
4		6				4 AM a heavy swell wind falling
5	1		SE by E	SSW		light
6	1					
7	1	*6				8 AM Wore ship to westward
8	1	*6				wind lighter but a nasty
9			Calm			cross swell ship laboring
10			"			heavily
11			"			Noon cleared off fine but a
12			"			nasty swell on
					Lat 54°–20′ Long 169°–12′ ac	
					Var 1¾ Eastly 169 –25 Chr	

Canoes returned 5 PM Civil time
with seals 34

* Erased in original.

Sunday 17th July / 87

H	K	F	Courses	Winds	Lwy	Remarks
1						PM Canoes went out to
2						calm but a nasty sea on
3						
4						4 PM a light Breeze
5				North		Saw a schooner to windward
6			East			Canoes Returned Hoisted
7	3					them on Board
8	3					6 PM Wore around to
9	3	4				Eastward put out Log
10	3	4				
11	3	4	E by S			
12	3	4				Mdnt PL 20
1	3					
2	3					
3	2		NE			
4	2					4 AM 30
5	2	4				
6	2	4				
7	2	4				
8	2	4				8 AM Dense fog fine sea
9		4	NE			Lwy 3 going down PL 40
10		4				
11		4			1	Noon PL 42 Cleared off
12		4				Canoes went out

Canoes went out and returned with 24 seals
5 PM Civil day.

Monday 18th/87

H	K	F	Courses	Winds	Lwy	Remarks
1						
2			Calms			PM fine clear
3			"			2 PM fog again
4			"			
5						5 PM made whole sail
6			NE			and proceeded to NE
7	2					
8	2					
9	2					8 PM Clear sky overcast
10	2					
11	2					
12	1					
1	1					Mdnt light airs from
2		4				NNW
3		4				
4		4				
5			NE			4 AM PL 12 lying too
6						waiting fog to clear
7			to			5 AM cleared up
8						Canoes all went out &
9						came Back from 10 AM to
10						Noon thick fog firing
11						signal gun every 20 Minutes
12			NW			

Lat by a/c 54°-38′ N Long 167°-42′ W
Var 1¾ East

Note (Civil time) Canoes returned from Noon to 3 PM 17
went out 5 PM Came Back 7-30 PM with
12 Skins making total of 186 Skins

Tuesday July 19th/87

H	K	F	Courses	Winds	Lwy	Remarks
1						
2						PM Calms thick fog and
3						clear alternately
4						Canoes returned 3 PM Went
5						out 5 PM and returned again
6						7-30 PM light air from the
7						S E lying too under
8						Musl
9	1		SW by S	South	4	
10	1					
11	1					
12	1					
1	1					Mdnt fine with an iner
2	1					Breeze ate
3	1	4	E by S		1	2 AM Wore to E S E Mo ler-
4	1	4				fine
5	1	4				4 AM Cloudy with an iner
6	1	4				Breeze
7	1	4				8 AM Wore around to S W
8	1		up Sth	S E		a nasty sea on wind lighter
9	1					Vessel laboring dreadfully
10	1				1	with rain
11	1		off SW			Noon Do Weather Not any
12	1					Seals about

Lat 54 36 Long 167 48′ W
Var 1 34 Easterly

Wednesday 20th/87

H	K	F	Courses	Winds	Lwy	Remarks
1	1		South	SE		PM a nasty sea running
2	1				5	ship labouring very Heavy
3	1					thrashing sails very much
4	1					
5	1					
6	1					8 PM split Msl
7	×	4	SW		3	Double reefd it
8	×	4				
9	×	4				
10	×	4	WSW			
11	×	4			3	Mdnt Wind veering to
12	×	4				the westward thick and
1	"	4	SW			clearing at intervals
2	"	4			3	Sea going down
3	"	4				
4	"	4				4 AM moderate wind
5	"	4				thick rain
6	"	4				8 AM Moderate do
7	"	4				
8	"	4				
9	"	4				Noon Do Weather with
10	"	4				a nasty sea SW Swell
11	"	4				
12	"	4				

Lat 54°–37′ Long 168°–15′ W
Var 1 3 4 Eastly

Thursday, 21st July /87.

H	K	F	Courses	Winds	Leewy	Remarks
1	1		W by S	SSW	4	PM Thick and dirty
2	1					with a nasty sea
3	1					
4	1					
5	1	4	SSE		3	4 PM Wore ship to SE
6	1	4				thick & Dirty
7	1	4	South S		3	
8	1	4				
9	1	4				
10	1	4	S by N		4	
11	1	4				Mdnt thick and
12	1	4				dirty nasty sea on
1	1					
2	1		ENE			2 AM furled Msl and
3	1	½				ran ENE under Jib
4	1	4				
5	1					
6	1					
7	1					Noon fine But a swell
8	1			North		thick and clear alternately
9	1		NE		2	
10	1					
11	1					Lat 54°– 34′ Long 167 – 35
12	1					

Var 1 ¾ East

53 – 18 obs 11 AM

Canoes out 4 Hours return noon with 25 skn

Friday 22nd /87

h	k	f	Courses	Winds	Lwy	Remarks
1		4	NE	North	2	PM thick and clear
2		4				alternately canoes out
3	1		E NE			all day
4	1					
5		6	NE		2	
6		6				6 PM Wore around to
7		6	West	N NW	2	westward
8		6				8 PM almost Calm
9		6				
10		4	W SW			
11		4				
12		4			Mdnt	Calm
1		4	SW			
2		4				
3		4			4 AM	Do & light airs sea
4		4	South			smooth
5		4				
6		4			8 AM	Do weather Canoes
7		4				out sun showing through
8		4	N NW			occasionally thickening &
9						clear.
10		Calm				
11						
12						Noon Calm fine sea smooth
						Canoes all out.
					Lat 54°–31′ N	Long 167°–36′ W
						Var 1¾ E

Went out and returned again 5 PM with 29 making total of 54
444
498

Saturday 23d July/87

H	F	F	Courses	Winds	Leewy	Remarks
1		4				
2	1		N by W	West		PM fine smooth sea
3						calm and light airs
4		Lying too				Occasionally
5						
6						
7						8 PM got all canoes
8		6	E S E	S S W		on Board a light air
9		6		to		from South
10	0	6		South		
11	1					
12	1					
1	1					Mdnt Overcast fine
2	1					Sea smooth Clear
3	X	4				
4	X	4				4 AM Do weather thick
5		6				fog
6		6				
7		6				8 AM Do Weather
8		6				
9	1					Noon Overcast Cloudy
10	1					No Sun
11	1					
12	1					

Lat a/c 54°–24′ N
Long " 167°–18 W
Var 1 3/4 Eastly

Canoes returned at noon with 8 Seals mostly Travelers

Sunday 24th/87.

H	K	F	Courses	Winds	Leewy	Remarks
1	2		W by N	Sth	PM	Wore around and stood
2	2					to W by N made sail
3	2					
4	1		WSW			
5		4				
6		4				
7		6				
8		6				8 PM furled Foresail &
9		6				Jib Rain wind light
10		6				
11		6				
12		6				Mdnt rain sea smooth
1	1		E by S			
2	2					
3	1					4 AM fine Calm
4		6				Wore to SW
5		4	SW			
6		4				8 AM Do Weather rain
7		4				Calm
8		4				
9						Noon No Sun overcast
10						Damp
11						
12						Lat 54°–24′ Long 167°–46′ W
						Var 1 ¾ East

Canoes went out this morning

Monday 25th /87

H	K	F	Courses	Winds	Lwy	Remarks
1						PM Calm & light Vble airs
2						from West to North
3						3 PM a nasty SW swell
4						made up Wore around
5						to southward
6						
7						
8						
9	1	4	WSW			
10	1	4				
11	1	4				Mdnt fine thick mist
12	1	4				westly swell
1	1	4				
2	1	4				
3	1	4				
4		6				4 AM Seals crying
5		6				lowered Foresail and
6		6				Hove too thick fog
7		6				
8		6				
9		6				8 AM Canoes went out
10		4				fog cleared
11		4	SW			
12		4				
						Noon Overcast Cloudy
						Lat 54°–45′ Long 167°–27′ W
						Var 1¾ Eastly

Canoes returned with 159 seals

Tuesday 26th July /87

H	F	K	Courses	Winds	Leewy	Remarks
1		6	W S W	North		PM fine overcast
2		6				wind light Vble
3		6				6 PM fine calm with a westerly
4		6				swell
5		6				Canoes returned with Seals
6		4				
7		4				
8		4				
9		4				
10		4				
11		4	N N W	West		
12		4				Mdnt light westly air
1		6				
2		6				
3		6	S W by W	S S E		
4		6				4 AM overcast cloudy
5		6				
6		6		W S W		
7		6	South			7 AM wore around to S S E
8		6				
9		6	S E			
10		6				
11		6				
12		6				Noon Moderate fine
						Lat 54°–47′ N Long 167°–46′ W
						Var 1¾ East

+
Barometer up to Set fair weather fine generally
But changeable
Canoes returned with 32 seals

Wednesday 27th July /87.

H	K	F	Courses	Winds	Leewy	Remarks
1	1		W S W	S E		
2	1				2 PM	Moderate fine
3	1		E N E	Vble		Canoes returned with seals
4	1					light S E W Wind
5	3					2 PM Wore ship to E N E
6	3					Barometer going Back
7	3					8 PM a swell making up
8	3					from West & South wore
9	1		S W		4	around to westward & shortened
10	1					sail
11		4				10 PM calm and very
12		4				light airs drifting to
1		4				the Westward
2		4				Mdnt Do Weather
3		4				4 AM Do Weather cloudy
4		4				But clear
5		4				
6		4				8 AM Do weather clear
7		4				9 AM Canoes went
8		4				out a nasty swell on
9		4	S S W		6	Seals occasionally
10		4				
11		6				
12		6				Noon cloudy with rain
						canoes returned with 24
						Lat 54°-47 Long 167°–42 W
						Var 1¾ Eastly

Canoes Out & returned with 24 skins
X Barometer down to change 30 in

Thursday 28th /87

H	K	F	Courses	Winds	Leewy	Remarks
1	1		W S W			PM thick rain swell
2	2	4				going down Wind light
3	3					Glass change 30
4	2	4				6 PM Steered NW
5	2	4				
6	2	4				
7	4	4	NW			
8	4	4				
9	4	4	NW by N			
10	4	4				
11	4					
12	4					Mdnt PL 40 fresh
1	2	4	NW by N		1	Wind with thick rain
2	2	4				Occosionally
3	2	4				4 AM PL 50
4	2	4				
5	2	4	N NW		1	5 AM took foresail in
6	2	4				6 AM PL 56
7	1	4				7 AM Wind Heading off
8	1	4	SW		1	Wore to SW
9	1	4				8 AM PL 59 a nasty sea
10	1	4	S SW		2	running pumps attended
11	1	4				to making water
12	1	4				Noon thick mist clear occasionally PL 66 m

Lat obs 55°–41′ Long Chr 169°–32′
" ac 55°–21 " ac 168°–27

Var 1¾ East

Friday 29th July /87

H	K	F	Courses	Winds	Lwy	Remarks
1	1	6	S S W	West	2	PM Misty nasty sea on
2	1	6				
3	1	6	NW by N	Vble	2	2–45 Wore ship to N W
4	1	6				
5	1				4	Pm PL 6 sky overcast cold
6	1					Raw weather nasty sea
7	1					
8	1					8 PM Wore around to S W
9		6	S S S			fresh wind but moderating
10		6				
11		6				
12		6				Mdnt Sea going down
1		6	South			& wind lighter misty
2		6				occasionally
3		6				
4		6				4 AM Do with thick fog
5		6	S S W			
6		6				6 AM lowered canoes
7		4				8 AM Do
8		4				
9	1					9 AM Wore around to west
10	1		W by S	S W by S	1	9-30 fog Cleared still a
11	1					westerly swell canoes
12	1					Came back with one seal

Lat 55°–36′ Long 169°–51′ W

Var 1 3/4 East

* Shot 2 seals canoes went out and returned in an Hour thick

Saturday 30th /87

H	K	F	Courses	Winds	Leewy	Remarks
1	1		W by N	S W	1	PM rain, wind light
2	1					
3	1					4 PM Cleared off occasionally.
4	1			West		
5	1		W N W		1	
6	1			Vble		
7	1		NW by N		1	8 PM cleared off fine
8	1					with a fresh wind a little
9	1				1	Sea up
10	1					10 PM Wore to S W
11	1		S S W		3	Mdnt squally with a
12	1					rising sea
1	1					
2	1				4	4AM Do Heavy Sea
3	1					
4	1					6 AM took in Jib &
5	X	6	up SW by S		6	Hove too a nasty sea
6		6				on
7		6	off	S S E		8 AM a nasty sea running
8		6				Squally with light rain.
9		6				
10		6				Noon Do weather Squally
11		6				with light rain
12		6				

Lat 53°-36′ Long 169°- 46′ W

Var 1 3/4 Easterly

Sunday 31st July/87

H	K	F	Courses	Winds	Lwy	Remarks
1	1		up SW by S		5	PM Squally wind light
2	1			West		Between Still a nasty
3	1		off S S E			sea running set the
4	1					Dble reefd foresail
5	1					
6	1					
7	1					8 PM Set Jib less wind
8	1					and sea
9	1		South	W SW	1	
10	1	4				Mdnt a nasty swell
11	1	4				wind lighter dark misty
12	1	4				
1	1	2				
2	1	2				4 AM Do Weather.
3	1	2				
4	1	2				6 AM Clear Still a
5	1	2				High Swell vessel rolling
6	1	2				pretty much
7	1					Canoes went out Saw
8	1					plenty sleepers about
9	1		W by N			Wore to the westward
10	1					
11	1					
12	1		North			

Lat 55 - 16 N obs Long 169 - 47′ Chr

Var 1 3/4 Eastly

*Canoes out and Brought Back 85 Seals

Spoke Schooner "*Vanderbilt*" of Sanfrancisco
lost Boat & 3 Men
" schooner *Kate Victoria* reports "Sayward"
& Ana Beck seized

Monday 1st August /87

H	K	F	Winds	Courses	Leey	Remarks
1	1	4	West	S S W		PM Canoes returned with
2	1	4				85 Seals
3	1	4		lost Boat		3 PM spoke schooner 500 skins
4	1	4				*Vanderbilt* of Sanfrancisco
5	1	4	North			5-30 spoke schooner
6	1	4	West		1	*Kate* Victoria about 600
7	1	4				Skins
8	1	4				Mdnt rain fresh wind
9	1	4				and a nasty sea
10	1	4				
11	1	4	S S E		1½	
12	1	4				
1	1	4				4 AM rain Do weather
2	1	4				wore to westward
3	1					6 AM finer still nasty
4	1					sea on
5	1		West		1½	8 AM Moderate fine
6	1					9 PM Wore around to SE
7		6			2	Canoes all out
8		6				Noon Calm fine sea going
9		6				down vessel rolling Heavy
10		4	S E		2	
11		4				
12		4				

Lat obs 55°–22′ N — Long from Chr 170°–7′W
" a/c 55–18 W — Do a/c 169–2W
Var 1¾ East

Tuesday 2d August /87.

H	K	F	Courses	Winds	Leewy	Remarks
1		4	SE by S			P M calm & light airs
2		4				
3						
4						
5		4	S by E			4 PM light N W air
6		4				
7		4				
8		4				8 PM Wind increasing
9	1	4				furled Mnsl
10	1	4				
11	1	4				Mdnt fine sea smooth
12	1	4				Cloudy
1	1	4				
2	1	4				
3	1	4				4 AM Hauled to wind to
4	1	4				look for seals
5	1	4	SW by W			5 PM squared away again
6	3	4	S S E			
7	3	4				8 AM fine clear sea smooth
8	3	4				P L 25
9	3	4	SE by E¼ E NW			Noon fine
10	3	4				
11	3	4				
12	3	4				Noon Saw sail to S W
						Cloudy fine

Lat obs 54°–34′ — Long Chr 169°–14′
a/c 54–24 — a/c 168–51
Mary Ellen 1900 — Var 1 3/4 W

Wednesday 3rd /87.

H	K	F	Courses	Winds	Lwy	Remarks.
			SW			Pm fresh fine wind N W
1	1	4	NE			
2	3	4	East	NW		1-20 PM PL 45 Put log to 0
3	3	4		Vble		Steered East spoke "*Mary*
4	3	4				*Ellen*" 5 PM steered SE ¼ E
5	3	4				6 PM Rounded too under
6	3	4	S E¼E			foresail starboard Tack
7		6	S W	N W	3	not much sea on PL 15
8		6				
9		6				
10		6				10 PM Wore around to North
11		6	North	N W	4	
12		6				Mdnt fine clear
1		6				
2		6				
3		6				4 A M Cloudy Wind lighter
4		6				
5		6				6 AM almost calm
6		6				
7		6	S W		4	8 AM Do Sea going down
8		6				
9		4				
10		4				Noon overcast cloudy
11		4				one canoe returned
12		4				

from ystdy obs Lat 54°-24′ Long 168°-26′
a/c a/c
Var 1¾ E

*Spoke Schooner "*Mary Ellen*" with 1900 skins
Canoes returned with 136 skins.

Thursday 4th August /87

H	K	F	Courses	Winds	Lwy	Remarks
1		6	SW by S	West	3	PM Wind light Vble
2		6				
3		6			1	3 PM Wore around to North
4	1		N N W			4 PM st msl Jib & furld
5	1					foresail rain wore around
6	1		W S W	S S W	2	6 PM Do
7	1		West	S W	1	
8	1					8 PM Cleared off almost
9	1			Vble		Calm
10	1					
11	1					
12	1					Mdnt fine Wore around
1	1		S by E	S W	1	to S S E
2	1					
3	1					4 AM Slight rain and
4	1					continuing throughout the
5	1		S S E		2	day until noon Wore
6	1					around
7	1					Noon rain and Wind Veered
8	1				2	to East
9	1		S E	East		
10	1					
11	1					

Lat a/c 54°-5′ fr obs 54 – 15 N
Long a/c 168-16 Chr 168-19 W
Var 3 4 East

Canoes Went out and returned with 8 skins.

Friday 5th /87

H	K	F	Courses.	Winds	Lwy	Remarks
1	1	4	SE	East	2	PM rain furled foresail
2	1	4				
3	1	4	SE		4	3 PM Eased off sheet to
4	1	4				drift more southerly
5	1	4				6 PM rain not much
8	1					sea
9	1					9 PM a large 3 masted
10	1					steam ship passed East
11	1					of us
12	1					
1		6				Mdnt Overcast Moderate
2		6				rain
3		6				
4		6				4 AM Do light rain
5		6				
6		6	NNW		3	
7		6				8 AM Dry but little
8		6				wind sea smooth
9				South		9 AM Wind from South
10						
11						
12						

Lat obs 54°–37′ N a/c54°–21′ N
Long Chr 168°–2 W a/c168°–29 W

+Steam ship passed to the Eastward
making for Ominik pass
Canoes went out 7 AM to Northward

Saturday 6th August /87

H	K	F	Courses	Winds	Ly	Remarks
1						PM fine with winds
2						very light calm lying
3						still a very fine day
4						with Hot sun and clear
5						Repairing sails &c
6				SE		8 PM Wind increasing slightly
7		4	NE			from SE Sea smooth
8		4	NNW			
9	1	4		South		
10	1	4				Mdnt fine sea smooth
11	1	4				more to the NE
12	1	4				
1	1	4	NE			4 AM Do weather
2	1	4				
3	1	4				
4	1	4				8 AM Canoes went out
5	1			Vble		Wore around to SW
6	1					
7	1					10–30 Canoes returned with
8	1					But few skins Came on Board
9	1		WSW			and wore around 11 AM
10	1					
11	1					Noon rain sea smooth
12	1		NE			

Lat obs 54°–48′ N Chr 167°–49′ W
ac 54–42 ac 168–17 W

Var 1 ¾ E

fine all day dry Hot Sun for once
schooner *Kate* in Coy to Southward

Sunday 7th /87.

H	K	F	Courses	Winds	Lwy	Remarks
1				ESE		PM wet wind light
2						1 PM tacked to southward
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						

[No. 3.--Washington, D. C., July 28, 1892.

L. G. SHEPARD,
Captain Revenue Marine.]

LOG OF SCHOONER ADA.

Log book containing a record of the proceedings on board the Br. schooner Ada from the port of Victoria to Pace Ocean and Bering Sea commanded by F. van Pelt. Kept by F. van Pelt.

Ship's company.

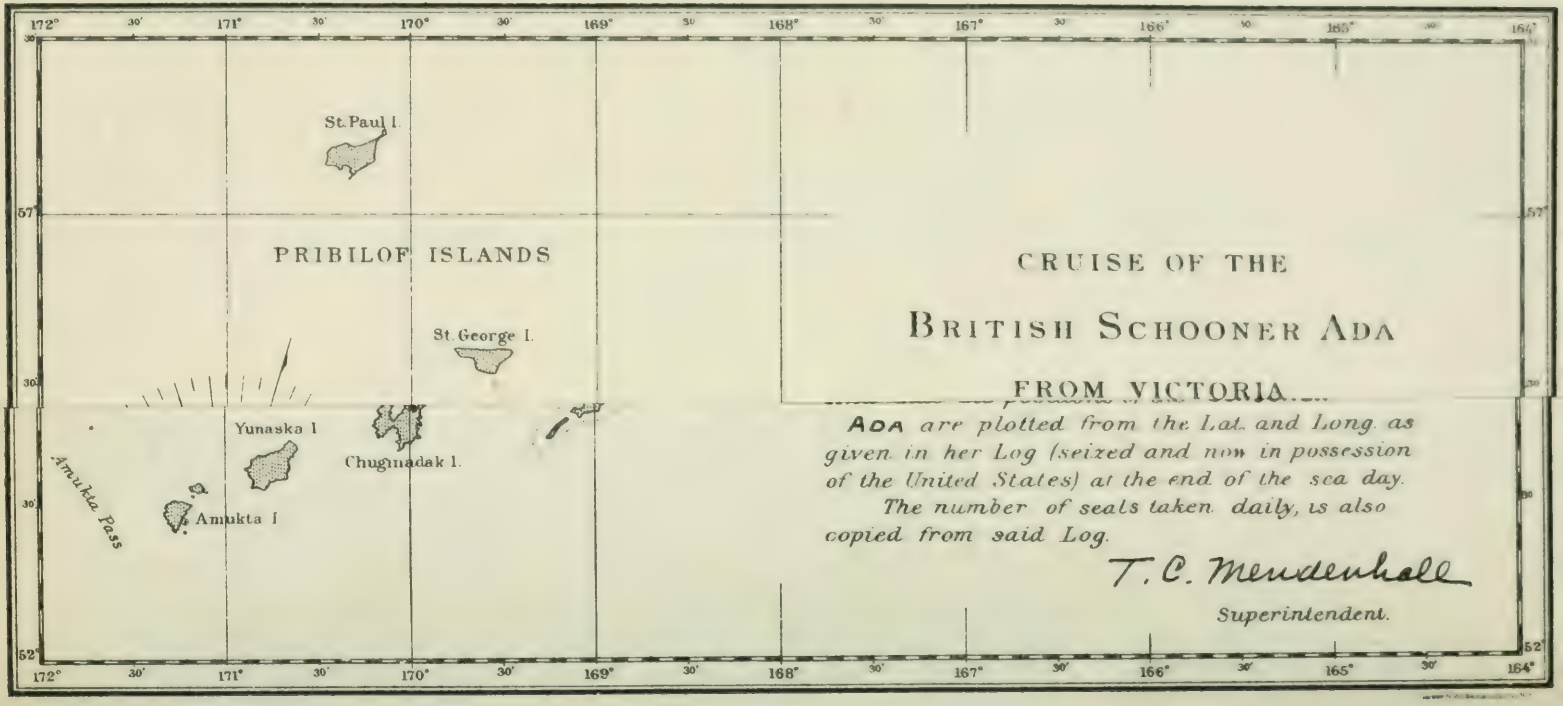
Date.	Christian & Surnames.	Rank.	Age.	Where Born.	No. of Certificate.
June...	James Gaudin	Master	47	Jersey	22329
	Carl Lundberg	Mate	31	Sweden	
	William Parker	Hunter & Interpreter	45	Dover	
	John Matthews	Cook	31	Australia	
	P. T. O. Gaaseland	A B	24	Norway	
	Martin Johnson	Boat Puller	25	....do	
	G. Gasnell	.....do	25	London, C	

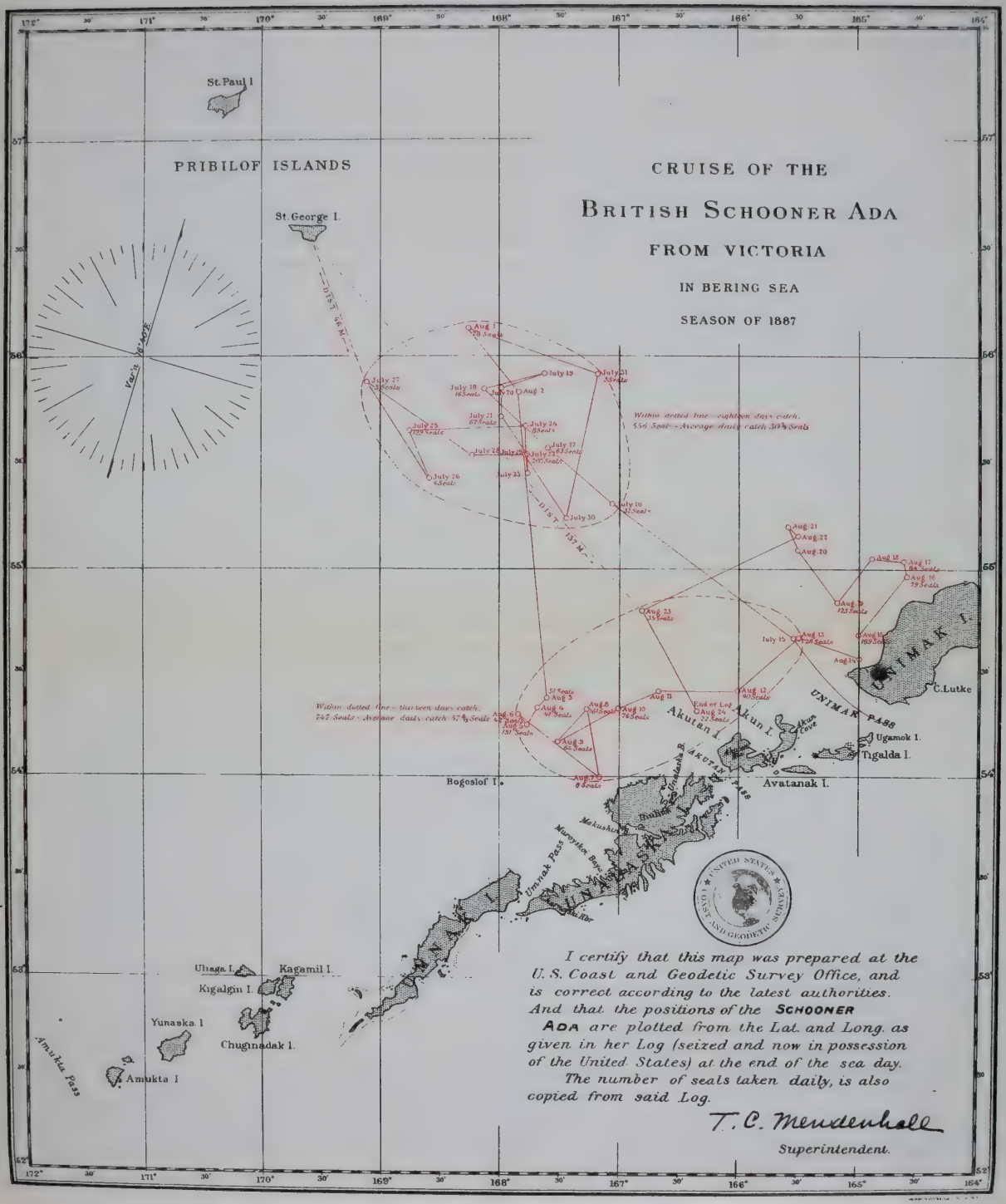
Log of the Sh Ada Victoria Harbour.

Wednesday, June 8th, 1887.
A. M. fine & pleasant weather.
p. m. weather the same Signed ships articles.
Thursday, June 9th, 1887.
A. M. Comes in with fine clear & pleasant weather.
p. m. wind & weather the same.
Barometer 1 a. m. 30.35
30.36
Friday, June 10th, 1887.
fine & pleasant weather during the day.
Barometer 30.36.
Saturday, June 11th, 1887.
A. M. fine & pleasant weather part of the crew came on board (H. 6, Gaselan; H. 8, Martin Johnson.) mooved the vessel from the wharf into James Bay cleared the vessel up.
P. M. painted the ship out side fine weather cloudy sky
Barometer, 30.38

Log of the Sh Ada, Victoria Harbour.

Sunday, June 12th, 1887.
This day commenced with light S. S. E. wind passing clouds at 7^{30} A. M. Weighed anchor set Main and Fore sail Jib and Flying Jib with two men of the crew and 4 Indians to remove the vessel out of James Bay in to Longs Bay. At 8^{30} A. M. sounded 12 feet of water Tacked ship and whyle the vessel was in stay the wind valling verry light the after part of the vessel came aground with the Ebb tide. Lower the sails down, and send the ships Boat with a line In charge of Pieter Gaaseland A. B. and 3 Indians ahead to tow the vessel of the


172° 30' 171° 30' 170° 30' 169° 30' 168° 30' 167° 30' 166° 30' 165° 30' 164°
57°
52°
St. Paul I.
PRIBILOF ISLANDS
St. George I.
Yunaska I
Chugnadak I.
Amukta I
Amukta Pass
CRUISE OF THE
BRITISH SCHOONER ADA
FROM VICTORIA
ADA are plotted from the Lat. and Long. as given in her Log (seized and now in possession of the United States) at the end of the sea day.
The number of seals taken daily, is also copied from said Log.
T. C. Mendenhall
Superintendent.


CRUISE OF THE
BRITISH SCHOONER ADA
FROM VICTORIA
IN BERING SEA
SEASON OF 1887
PRIBILOF ISLANDS
St. Paul I.
St. George I.
Var. in 1887
N. 90° E. 137 M.
DIST. 137 M.
Within dotted line - eighteen days catch, 556 Seals - Average daily catch 30 9/18 Seals
Within dotted line - thirteen days catch, 747 Seals - Average daily catch 57 6/13 Seals
UNIMAK I.
C. Lutke
UNIMAK PASS
Akutan I.
Akun I.
Akun Cove
Ugamok I.
Tigalda I.
Avatanak I.
Bogoslof I.
AKUTAN PASS
Makushin Bay
Unalga I.
Unalga Pass
Murovska Bay
Unimak Bay
Uhaga I.
Kagamil I.
Kigalgin I.
Yunaska I.
Chuginadak I.
Amukta Pass
Amukta I
UNITED STATES COAST AND GEODETIC SURVEY
I certify that this map was prepared at the U. S. Coast and Geodetic Survey Office, and is correct according to the latest authorities. And that the positions of the SCHOONER ADA are plotted from the Lat. and Long. as given in her Log (seized and now in possession of the United States) at the end of the sea day. The number of seals taken daily, is also copied from said Log.
T. C. Mendenhall
Superintendent.

ground but did not succeed. I then ordered the Boat on board and run a Kedg and wharfs out dropped the anchor on the Bottom when the Kedg was run hove the anchor from the Bottom took the wharfs to the windlas and hove up as it turned the vessel Head 2 points by the compass but wast not able moving the vessel ahead and hove the Kedg home I then orderded the man Pieter Gaaseland and Martin Jhonson to get the stream anchor out of the hold and whyll engaged getting the stream anchor up the mate of the vessel C. Lumberg came on board and started taking the command out of my han .s by telling the two seaman not to mind the Anchor out of the hold but hoist the sails which I master of the vessel counter manded which put the two man in disput and disorder and did not know how to obey but at my command obeed my order then the mate commenced hoisting the sails by himself which I prevented him to do; at which time the mate commenced fighting me and using bad Language and said I was drunk, and whyll not on my gard struck me a heavy Blow on the Head and tryed to strike me in the face which I prevented him to do as much as posible by wearding the Blows of with hand and feet, and the work getting the vessel from the ground wast Entirely stopped.

as during this time the tide had valling 6 a 7 inch and ther was no more possibility getting the vessel of. and to prevent more trouble, I wend on shore with Mr. Robertson ships Builder and stopped in his house at 2 p m when the water commenced rising I left Mr. Robersons house and returned to my vessel, on my arrival on board my vessel a open letter was handed to me from James J. Gray my owner, stating to let Mr. M Maccinnan[1] take charge of the vessel, and and after the vessel wast (P. M.) aflote take her to a safe anchorage after reading the note or letter I took the ships boat and pulled over to the light house, to consult with Mr. Macinnan about the Kedg anchor which which I had hove home a good deal I thought was to light if much wind. I sugested to him getting a heavier anchor out or run the Kedg farther out was told by Mr. Macinnan that he thought the small Kedg would do, but left it to myself laying a heavier anchor out or run the kedg farther. on my return from the light house on board my vessel I ordered the mate to put a longer line on to the kedg Anchor and run it farther out but I was told by the mate that I had nothing to do with the vessel and refused to obey my orders and put the man in dispnt again.

at about 5 p. m. the mate wast going to hoist the flag to get Mr. Macinnan on board for which was no need as Mr Macinnon had told me that he would be on board in in good time to remove the vessel to a safe anchorage, so I told the mate that he did not wanted hoisting the flag as Mr Macinnon would be on board in good time. wast told again by the mate that It was nothing of my Buisines and that he would hoist the flag. at this Language of the mate I ordered him distinktly not to hoist the flag, and whyll in the act preventing him hoisting the falg he commenced fighting me again tore my clothing and hatt to pieces, and was not able with hand and feet preventing him injuring my face this causally took place in presenc of most of the ships company and Indian hunters

at 5^{30} p. m. ships time Mr Macinnon came on board and at 5^{45} p. m. the vessel floted of and was brought by Mr Macinnon to a safe anchorage. sett the pump on but ther was no water in the vessel.

Barometer 30.43; Inches in the Well. (a. m.) None; (Noon) None; (p. m.) None.

Signed F. VAN PELT, *Master.*

[1] Light-house keeper.

Sunset mollerate S W wind passing clouds Anchor watch attended to

Chief officer and man going on shore

Monday, June 13th, 1887.

comes in with light southerly breeze passing clouds this day oiled the decks and brought the Hunting Boats under cover was told by James J.Gray that he was going to Engage a other master Noon light breeze and clear weather. Winds, South; Bar. 30.38. p.m. crew employed oiling deck Sunset light variable wind & cloudy Anchor light attended

Thursday, June 14th, 1887.

this day commenced with light breeze and cloudy weather Noon moderate breeze passing clouds Winds S W; Bar. 30.42 received the guns and Aminution for the Indian hunters

Sunset light variable wind & cloudy Anchor light attended.

Wednesday, June 15th, 1887.

this day commenced with light breeze and gloomy weather Noon light breeze and rain showers Winds, Variable; Bar. 30.45: Inches in the Well, (Noon) 30.45.

Sunset moderat breeze & squally Anchor light attended to

Thursday June 16th, 1887.

comes in with light breeze & cloudy Get 2000 lb of shot on board for the hunters received a messes from Mr James J. Gray throug the mate to be on shore before 2^h p.m. but not on business. Noon fres breeze & clear weather Winds, S W; Br. 30.48 1^{30} p m send a letter to owner in answer to his Messes at 7 p m mate going on shore with the messenger without consulting me 7^{30} the remainder of the crew went on shore. 8^{30} Martin Jhonson returned hoisted anchor light at my request.

Friday, June 17th 1887.

Comes in with light breeze and clear weather. at about 4^h p.m. the mate and part of the crew came on board. 8^h a.m. Mate & crew turned out their Beds som at 9 o clock Noon fresh S E wind light cloudy weather. Winds S E. Br. 30.65.

P. M. At 4^h James Gaudin took command of the vessel At 8^h the former master of the vessel was compelled to leave the ship as per instructions from the owner. At 9^h weighed and proceeded in tow of "Saturna." 12^h plying to Windwd. Winds, S W. At $9.^{45}$ Cast off from the tug boat & made sail. At Midnight of Race Rocks.

Saturday, June 18th, 1887.

A. M. Winds. Westerly. Light Westerly wind & rainy weather.

At 4^h Beachy Head NNW 4′. 8^h light wind and Cloudy. Noon Point no point. North $\frac{3}{4}$ of mile.

P. M. 8^h Light wind. 12^h Moderate & rainy.

Courses: Plying to Windward.

Sunday, 19th June, 1887.

A. M. Winds, Westerly. 5^h Came to anchor in Port San Juan in 5 fathoms. Indian hunters and their families went on shore.

P. M. Strong sea breeze blowing in the harbour until sunset. Calm during the night.

Monday, 20th June, 1887.

A. M. Light land breeze blowing out of the harbour until 8 o'clock.

People employed stowing away stores and clearing hold generally.

Sea breeze set in at 9 o'clock.

P. M. Employed filling water tanks & casks.

Tuesday, June 21, 1887.
Fine weather throughout. Preparing for sea.
Wednesday, June 22, 1887.
A. M. 2h Weighed anchor and made sail with a fair land breeze. 3h off the entrance to San Juan Harbour. wind shifted to West light, weather hazy. 8h, Winds West.
At noon received the Indian hunters and their canoes, the two last on board at 6 P. M. Seven in number off Nittinat. A heavy westerly swell.
Midnight light air with calms occasionally.
Thursday, June 23, 1887. A. M. Begins with calm and a heavy swell Winds WNW

4 Strong gale. $\frac{a}{A}$ Two reefs in Mainsail, handed Jib. At 6 handed mainsail, and S. Jib. Two reefs in Foresail. At 8h Shipped a sea that smashed three Canoes on port side. Hove to under double reefed foresail. P. M. Strong gale. 8h Decreasing wind. 10h Set Mainsail & Jib. Latitude (Acc) 48° 15′ N. (obs) 48–18. Longitude (Obs) 124–40 W.

Friday, June 24, 1887. A. M. Winds: West. Begins with strong wind and high sea. 4h. Let out all reefs and set flying Jib. 8. Calm. Noon fair breeze and clear. Cape Beale NW 8′ P. M. At 9 came to anchor in Ucluelet.

Saturday, 25 June, 1887. At anchor in Ucluelet. Procured three canoes. Rigged stern davitts and filled all the empty water barrels. Calm day and fine weather.

Sunday, 26 June, 1887. A. M. Begins with a calm. At 7h light westerly winds, got under weigh. Winds: West. Fine breeze and clear all forenoon. Noon Portland point North 4′. P. M. Fine breeze and clear. Increasing wind. Midnight, Calm.

Monday, 27 June, 1887. A. M. Light variable airs and calm at intervals. 8h. Winds, S. E., light air. P. M. Decreasing wind and overcast sky. 8h. Calm and drizzling rain. Midnight same weather. Latitude (Obs) 49–13 N. Longitude (Obs) 126–24 West.

Tuesday, 28th June, 1887. A. M. H. 2, K. 2, Courses, West; Winds, variable; Light variable airs and calms, with overcast sky. H. 4, K. 1. H. 6, K. 1, F. 5; A schooner in sight (Three masted). H. 8, K. 1, F. 5; Winds, Calm. At 11 lowered a canoe, which brought up 1st Seal. H. 12, K. 2, Courses, SSW, Winds, West. Noon breeze freshening up. H. 2; K. 3; Winds, West. P. M. Light wind and fine weather. H. 4; K. 4; Courses, SW b S½S. H. 6; K. 5; H. 8; K. 5; Decreasing wind. H. 10; K. 3. H. 12; K. 4.

Latitude (Acc) 49°–23′ N; (Obs) 49–25. Longitude, (Acc) 126–58 W. Bearing from Aisquiat. Distance ENE 15 miles.

Wednesday, 29 June, 1887. A. M. H. 2; K. 3; Courses, SW b S; Winds, W b N: Remarks: Light wind and fine weather. H. 4: K. 3. H. 6; K. 3. H. 8; K. 2. H. 10; Winds, Calm; Remarks; 10 Calm; a few seal in sight; lowered all canoes. H. 12.

P. M. 2 Canoes returned with four seals; Winds, SE. H. 4; K. 5; Courses, W b N. H. 6; K. 7; Remarks: Fair breeze and clear. H. 8; K. 7. H. 10; K. 8; Overcast sky. H. 12; K. 8. Latitude (Obs) 49°–0 N. Longitude (Obs) 128–38 W.

Thursday, 30th June, 1887. *A. M.* H. 2; K. 8; Courses W b N; Winds, SE; Remarks: Brisk breeze and misty rain. H. 4; K. 8. H. 6; K. 8; Winds, South. H. 8; K. 8; Winds, SW; Remarks: 8 Clearing up and shift of wind. H. 10; k. 5; Courses, WNW; Winds,

SW. H. 12; K. 4; Remarks: Decreasing wind and fair weather. *P. M.* H. 2; K. 4; Winds, S. W. H. 4; K. 4; Light wind and cloudy weather. H. 6; K. 4;. H. 8; K. 3; Heavy dew falling. H. 10; K. 3. H. 12; K. 2. D. Lat. Distance run 150. Latitude (Obs) 50–34 N. Longitude (Obs) 130–52 W.

Friday, 1st July, 1887. *A. M.* H. 2; K. 4; Courses, WNW; Winds, SW; Remarks: Begins with light wind and cloudy. H. 4; K. 4. H. 6; K. 4. H. 8; K. 5; Winds, South; Freshening wind and hazy. H. 10; K. 6. H. 12; K. 7; Winds, SE; Drizzling rain. H. 2; K. 8; P.M. Fresh breeze and rainy weather. H. 4; K. 8. H. 6; K. 8: Squally. H. 8; K. 8; Winds, South. H. 10; K. 8. H. 12; K. 8. D. Lat. Distance run, 100. Latitude (Acc.) 51°–51′. Longitude (Acc.) 132°–34′ W.

Saturday, 2nd July, 1887. *A. M.* H. 2; K. 7; Courses, WNW; Winds, South; Remarks: Fresh breeze and thick misty weather. H. 4; K. 7. H. 6; K. 7. H. 8; K. 6; Passing showers of drizzling rain. H. 10; K. 6. H. 12; K. 6; Winds, SSW. H. 2; K. 6; Courses, West; P.M. Cloudy weather. H. 4; k. 7; Heavy SW. swell. H. 6; K. 7. H. 8; K. 6. H. 10; k. 5. H. 12; K. 6; Showery. Latitude (Acc) 53°–43 N; (Obs) 54–6 N. Longitude (Obs) 135°–40′ W.

Sunday, 3rd July, 1887. A. M. H. 2; K. 7; Courses, West; Winds, SSW; Squally weather and passing showers. H. 4; K. 7; Winds, South. H. 6; K. 7; Courses, SW b W½W; Winds, SSE. H. 8; K. 7. H. 10; K. 7. H. 12; K. 7; Drizzling rain. *P. M.* H. 2; K 8; Courses W b S; Winds, S.E.; Strong breeze and thick weather. H. 4; K. 8. H. 6; K. 8; Remarks 3 Handed Mainsail and flying Jib, and double reefed the foresail. H. 8; K. 6; Winds, East. H. 10; K. 5; Winds, SE; H. 12; K. 5; Winds, South. Distance run, 154′. Latitude (Acc.) 54°–45′. Longitude (Acc.) 139°–54′ W. Thermometer (Noon) 30.30; (8 p. m.) 30.00.

Monday, 4th July, 1887. *A.M.* H. 2; K. 4; Courses, W. b S; Winds, SE; light wind and cloudy, a high cross sea. H. 4; K. 4. H. 6; K. 4; Winds, Variable. H. 8; K. 4; Squally. H. 10; K. 4. H. 12; K. 4; Noon light wind & hazy. H. 2; K. 4; Courses, South; Winds, West; *P. M.* Freshening breeze and clear. H. 4; K. 4; Winds, WSW; Set all sail. H. 6; K. 5; Tacked. H. 8; K. 6; Courses, W b N. H. 10; K. 7;. H. 12; K. 6; Midnight weather clouding up. Latitude (Obs) 55.57. Longitude (Obs) 143.30. Thermometer: 4 a.m. 29.63; Noon, 29.80; 8 p. m. 30–00.

Tuesday, 5th July, 1887. A. M. H. 2; K. 7; Courses, West; Winds, Southerly; Fine breeze with passing showers. H. 4; K. 7. H. 6; K. 7; Courses, WSW. H. 8; K. 7; Thick weather. H. 10; K. 7; Fresh breeze and high Westerly swell. H. 12; K. 7; One reef in Mainsail. H 2; K. 7; P. M. Strong breeze and high head sea. H. 4; K. 6; 4, Decreasing wind. H. 6; K. 6; 6, Let reef out of Mainsail. H. 8; K. 6; Winds, South. H. 10; K. 6; H. 12; K. 6. Latitude (Acc) 56°–14′ N. Longitude (Acc) 147.10 W. Thermometer: 4 a m 30.05; Noon, 30.10;8 p. m. 30.16.

Wednesday, 6th July, 1887. *A. M.* H. 2; K. 5; Courses, SW ½ W; Winds, SSE; Decreasing wind and clear weather. H. 4; K. 5; Winds, East. H. 6; K. 4; Winds, N.E. H. 8; K. 3; Light wind and smooth sea. H. 10; K. 3; Saw a few seal, lowered a canoe without success. H. 12; K. 3; Martin Johnson, Boat puller laid up. H. 2; K. 4; Courses, SW ½ W; Winds, North'ly; *P. M.* Light wind and fair weather throughout. H. 4; K. 5. H. 6; K. 5; Saw no seals. H. 8; K. 5. H. 10; K. 5. H. 12; K. 6. Latitude (Obs) 56. 20 Longitude (Obs) 150°. O W. Barometer 30.15

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Thursday, 7 July, 1887. H. 2; K. 6; Courses, SW½W; Winds, WNW; Light wind and cloudy weather. H. 4; K. 6. H. 6; K. 6. H. 8; K. 5; Saw four seals in the forenoon. H. 10; K. 4; Clearing space for salting. H 12; K. 3; Winds, West. H. 2; K. 4; Courses, SSW; *P. M.* Light wind and clear weather. H. 4; K. 3. H. 6; K. 3; Martin Johnson laid up. H. 8; K. 3; Courses, NNW. H. 10; K. 4. H. 12; K. 3. Latitude (Obs) 55.43 N. Longitude (Obs) 153°–43 W. Barometer: 30.24; 30.35; 30.45.

Friday, 8th July, 1887. A. M. H. 2; K. 3; Courses, NNW; Winds, West Begins with light wind & clear. H. 4; K. 3; 4 Hazy – Made Tongidak Island abram. H. 6; K. 2; Courses, West. H. 8; K. 1; Courses, WSS; 8 Cloudy & drizzling rain. H. 10; Courses, Calm; Noon same weather. H. 12; Caught some codfish & halibut. H. 2; P. M. Calm and light catspaws throughout. H. 6; Martin Johnson on the sick list. H. 8; Rain. Latitude (Acc) 56.20 N. Longitude (Acc) 155.32 W. Barometer: 30.45; 30.50; 30.65.

Saturday, 9 July, 1887. A. M. 2. H., Winds, Calm. Calm rainy weather. H. 8, Clear. Martin Johnson laid up—suffering intense agony. P. M. Begins with calm weather. H. 6; Winds, SW b S; 6, Light airs and clear. H. 8; Courses, SSE. Latitude (Obs) 56°–23. Longitude (Obs) 155.43. Thermometer, 4 a. m. 3. Barometer: 30.70 30.72; 30.80.

Sunday, 10th July, 1887. H. 2; Courses, SSE; Winds, SW b S; A. M. Light airs and clear. Martin Johnson laid up, suffering severely. Sent Canoes on Augamok Id. for water but were unable to procure any. H. 12; K. 4; Courses, WNW; Noon, Pleasant breeze Clouding up in SW. H. 2; K. 4; P. M. Pleasant breeze and cloudy. H. 4; K. 5; 4, Tacked to Southward. H. 6; K. 5; Courses, SE b S; Martin Johnson laid up. H. 8; K. 6; Hazy weather. H. 10; K. 6; Courses, SE. H. 12; K. 6; Tacked to Westward. Barometer: 30.85; 30.92; 30; .90.

Monday, 11th July, 1887. H. 2; K. 6; Courses, W b S; Winds, SW b S; A. M. Increasing wind and thick weather. H. 4; K. 6; Winds, South'ly. H. 6; K. 6; Courses, WSW; Brisk wind and hazy. A SW swell. H. 8; K. 6; Martin Johnson still on the sick list. H. 10; K. 6; F. 4; SW ½ W; 10:30 m. Lighthouse Rocks NW b N 6′. H. 12; K. 6; F. 4; Courses, SW; Winds, SSE; Passing showers of drizzling rain. H. 2; K. 6; Courses, SE ¼ S; P. M. Decreasing wind thick weather. H. 4; K. 6. H. 6; K. 2. H. 8; K. 2; Calm. H. 10; Winds, Calm. Latitude (Acc) 55.32 N. Longitude, (Acc) 157.10 W. Barometer: 30.85; 30.75; 30.68.

Tuesday, 12th July, 1887. H. 2; Winds, Calm. A. M. Calm at the beginning with thick rainy weather throughout. Martin Johnson still on the sick list. 8 A. M. Light wind and rainy. H. 10; K. 2; Courses, SSW; Winds, NNE. H. 12; K. 2. H. 2; K. 4; P. M. Light wind and rainy weather. H. 4; K. 4; 4. Made the Shumagin Islands ahead. H. 6; K. 3. H. 8; K. 1; Winds, Calm; 8, Between Little Komsishi & Simeonof Ids. H. 12, Calm. Latitude (Acc) 55°.12′ N. Longitude (Acc) 158°.53 W. Barometer: 30.68; 30.58; 30.55.

Wednesday, 13th July, 1887. H. 2; Calm; A. M. Dead calm throughout. Head hunter and Indians went ashore. Martin Johnson laid up, getting better. Noon becalmed. P. M. Begins with calm and clear. H. 6; K. –; Courses, SW b S; Winds, Southerly; Haze rising in the South. H. 8; K. 1; 8 h Light air and hazy. H. 10; K. 1; F. 5; H. 12; K. 2; Midnight thick haze N. W. End of Bird Id. SE 4 miles. Latitude (Acc) 54°.50′ N. Longitude (Acc) 159.28 W. Barometer: 30.55; 30.55; 30.57.

Thursday, 14th July, 1887. H. 2; K. 1; Courses, SW b S; Winds, SE; A. M. Light wind and foggy weather. H. 4; K. 2. H. 6; K. 4; Martin Johnson laid up improving. H. 8; K. 5; Freshening wind with occasional thick fog. H. 10; K. 5; Courses, SW. H. 12; K. 5; Winds, ESE; Noon same weather. H. 2; K. 6; P. M. Fine breeze and hazy. H. 4; K. 6; At 3:30 passed schooner "Alexander" at anchor. H. 6; K. 6; Foggy weather. H. 8; K. 7. H. 10; K. 9; Rain. H. 12; K. 9; Winds, East. Latitude (Acc) 54°.40′ N. Longitude (Acc) 160°.45′ W. Barometer: 30.55; 30.35; 30.20.

Friday 15th July, 1887. H. 2; K. 7; Courses, West; Winds, East; A. M. Fine breeze and rainy weather. H. 4; K. 7; Winds, SE; Thick fog. H. 6; K. 6; Martin Johnson on the sick list. H. 8; K. 6; 8:35, In Ounimak pass. Thick fog. H. 10; K. 3; Winds, Calm; 10 Calm. H. 12; Winds, SW; Noon fresh SW breeze and foggy. H. 2; K. 5; Courses, WNW; P. M. Fresh breeze and rainy weather. H. 4; K. 5. H. 6; K. 5; At 6 Handed Mainsail & Jib. H. 8; K. 3. H. 10; K. 3; Courses, West; Midnight thick and rainy weather. H. 12; K. 3. Latitude (Acc) 54°.40′ N. Longitude (Acc) 165°.32′ W. Barometer: 29.80; 29.80; 29.85.

Saturday 16th July, 1887. H. 2; K. 3; Courses, W b S; Winds, Southerly; A. M. Decreasing wind & thick. H. 4; K. 3. H. 6; K. 2; Martin Johnson laid up. H. 8; K. 2; A heavy westerly swell. H. 10; K. 1. Light wind & hazy. H. 2; Winds, ESE; P. M. At 1 h Lowered all boats & canoes. . In the evening canoes returned with 32 Seals. H. 6; Winds, NE; Thick hazy weather and a heavy swell from the SW. Latitude (Acc) 55°.18′ N. Longitude (Acc) 167°.3′ W. Barometer: 29.80; 29.80; 29.90.

Sunday 17th July, 1887. H. 2; K. 3; Courses, SW b W; Winds, NE; A. M. Light wind and thick hazy weather. H. 4; K. 2; Courses, North; Winds, ENE;. H. 6; K. 2; Courses, North Winds, North; Thick fog at times. H. 8; K. 2; Courses, NW b W; Winds, North; At 8 h Lowered. H. 10; K. 1; Clear & foggy at intervals. H. 12; K. 1; Martin Johnson laid up. H. 2; K. 2; Courses, WNW; Winds, North; P. M. From 1 h to 2 h Very thick fog. H. 4; K. 3; At 2 h Canoes went off again & returned with 63 seals. H. 6; K. 2; H. 8; K. 2; Winds, N.W. H. 10; K. 2; Courses, NW; Winds, SE; Light air and thick fog. H. 12; K. 1. Latitude (Obs) 55°.34′ N. Longitude (Obs) 167°.35′ W. Barometer: 30.10; 30.20; 30.30.

Monday 18th July, 1887. H. 2; K. 1; Courses, NW; Winds, SE; A. M. Light airs and thick fog. H. 4; K. 2; Martin Johnson laid up. H. 6; Thick fog. At 8 Lowered. H. 10; K. 1; Winds, South; Fog signal every half hour. H. 12; K. 2. H. 2; K. 1; Courses SSW; Winds. SE; P. M. Freshening wind and thick constant fog. Canoes returned at 4 h with 16 seals. H. 4; K. 1. H. 6; K. 5; Winds, SSE; Set Mainsail H. 8; K. 2; Courses, East; At 6 fell in with the "Mary Ellen". H. 10; K. 2; H. 12; K. 3; Midnight brist gale, lying to under the foresail. Latitude (Acc) 55.51 N. Longitude (Acc) 168°.7. Barometer: 30.35; 30.45; 30.45.

Monday 19th of July, 1887. H. 2; K. 2; Courses, East; Winds, SE; A. M. Strong gale and thick rainy weather throughout. H. 4; K. 2. H. 6; K. 2; No boats out. H. 8; K. 2. H. 10; K. 2; Courses, S b W. H. 12; K. 3;; P. M. Strong breeze and rainy weather. H. 2; K. 2. H. 4; K. 3. H. 6; K. 2. H. 8; K. 2.; Clearing up. H. 10; K. 2; Winds, South; Wore ship. H. 12; K. 2; Courses, SE b E. Latitude (Acc) 55.55 N. Longitude (Acc) 167.36. Barometer: 30.38; 30.25; 30.15.

Wednesday, 20 July, 1887. H. 2; K. 2; Courses, ESE; Winds, South; A. M. Strong breeze and cloudy weather. H. 4; K. 2. H. 6;

K. 2; Foggy at times. H. 8; K. 2;. H. 10; K. 2; No boats out. H. 12; K. 2; Courses, SW b W. H. 2; K. 1; P. M. Strong breeze and foggy. H. 4; K. 1; W. Parker lowered without success. H. 6; K. 1; Courses, SE b S; Winds, SW. H. 8; K. 1; A heavy swell from the westward. H. 10; K. 1. H. 12; K. 1; Thick weather and light wind. Latitude (Acc) 55.51 N. Longitude (Acc) 167°.58′ W. Barometer: 30.10; 30.10; 30.12.

Thursday, 21 July, 1887. H. 2; K. 1; Courses, ESE; Winds, South; A. M. Light and foggy weather and a high cross sea. H6; K. 1; Courses, WNW; At 6h W. Parker lowered. H. 8; K. 1; At 10.30m the Indians lowered their canoes. H. 10; K. 1; Martin Johnson sick in bed. H. 12; K. 1; Foggy at intervals. H. 2; K. 1; Winds, WNW; P. M. Light airs and hazy. H. 4; K. 1. H. 6; K. 1; A schooner in sight to the northward. . H. 8; K. 1; Canoes returned with 67 seals. H. 10; K. 1; Winds, North. H. 12; K. 1; Light air. Latitude (Acc) 55.43 N. Longitude (Acc) 167°.58′ W. Barometer 30.38; 30.45; 30.55.

Friday 22nd July, 1887. H. 2; Winds, Calm; A. M. Begins with calm and foggy. H. 4; K. 1; Winds, East; light airs. Lowered all boats. H. 6; K. 1. H. 8; K. 1; Martin Johnson still laid up. H. 10; K. 1; At noon had 101 seal on board. H. 12; K. 1; Winds, South; Clear weather. H. 2; K. 1; Courses, SE; Winds, South; P. M. Light air and clear weather. H. 4; K. 1. H. 6; K. 1; Total catch 203. H. 8; K. 1. H. 10; K. 1; Moderate breeze and thick. H. 12; K. 1; Courses, NW. Latitude (Obs) 55.32 N. Longitude (Acc) 167.45 W. Barometer 30.70; 30.75; 30.70.

Saturday 22 July, 1887. H. 2; K. 1; F. 4; Courses, SE b E; Winds, South; A. M. Moderate breeze and foggy. H. 4; K. 1; F. 4; Courses, SW b W. H. 6; K. 1; F. 4. H. 8; K. 1; F. 4; Same weather all forenoon. H. 10; K. 1; F. 4; Courses, SE b E. H. 12; K. 1; F. 4; No boats out. H. 2; K. 1; F. 4; Courses, SW b W; P. M. Moderate breeze and drizzling rain. H. 4; K. 1; F. 4; H. 6; K. 1; F. 4. H. 8; K. 1; F. 4; Courses, ESE; Heavy rain. H. 10; K. 1; F. 4. H. 12; K. 1; F. 4. Latitude (Obs) 55°.27. Longitude (Acc) 167°.45′ W. Barometer 30.72; 30.62; 30.55.

Sunday 23 July, 1887. H. 2; K. –; F; A. M. Light airs & rain. At 2h Calm. H. 4; F. 4; 4, Light wind and misty. H. 6; K. –; F. 4; Courses NNW; Winds, N'W'ly. H. 8; K. 1; F. 4; Courses, West. H. 10; K. 1; F. 4; Fresh breeze and gloomy weather. H. 12; K. 1; F. 4. H. 2; K. 1; P. M. Brisk wind and thick hazy weather. H. 4; K. 1; F. 4; Courses, SSW; W. Parker lowered for an hour, without success. H. 6; K 1; Courses, NNE; At 6h All boats out and returned at 7:30h with 8 seal. H. 8; K. 2; F. 4; Courses, SW. H. 10; K. 1; Courses, NE b N. H. 12; K. 1; Light wind and thick weather. Latitude (Acc) 55°.40′ N. Longitude (Acc) 167.46′ W. Barometer 30.55; 30.65; 30.78.

Monday 25th July, 1887. H. 2; K. 1; Courses, NNE; Winds, NW; A. M. Begins with light wind and foggy. H. 4; K. 1. H. 6; K. –; Courses, Calm; At 5h Lowered all boats. 8h Calm and thick weather. P. M. Light air and hazy. H. 2; K. 1; Courses, SW; Winds, North'ly. H. 4; K. 2. H. 6; K. 2; Thick fog. H. 8; K. 1; Total catch this day 129 Seals. H. 10; K. 1; Winds, Var. H. 12; K. 2; Courses, East. Latitude, (Obs.) 55°.39. Longitude (Obs) 168°.45′ W. Barometer 30.82; 30.85; 30.80.

Tuesday 26th July, 1887. H. 2; K. 1; Courses, East; Winds, South'ly; A. M. Begins with light air and foggy. H. 4; K. 2. H. 6; K. 3; At 5 Lowered. H. 8; K. 3; At 10 Canoes returned with four seal. Seal plen-

tiful but shy, hunters could not approach them. H. 10; K. 3; H. 12; Noon made sail. Weather hazy. H. 2; K. 7; Courses, NW; Winds, SE; P. M. Pleasant breeze and cloudy. H. 4; K. 5; At 3:30h Shortened sail to foresail and stay sail. H. 6; K. 2; E b N. H. 8; K. 2; At 9h A steam ship bound NW. H. 10; K. 2; H. 12; K. 2; Brisk gale and hazy. Latitude (Acc) 55°.25′ N. Longitude (Acc) 168°.34′ W. Barometer 30.70; 30.65; 30.50.

Wednesday 27th July, 1887. H. 2; K. 1; F. 4; Courses, S b W; Winds, SE; A. M. Fresh breeze and hazy. H. 4; K. 1; F. 4. H. 6; K. 1; F. 4; Did not lower in the forenoon. H. 8; K. 1; F. 4; Winds, South'ly. H. 10; K. 1; F. 4. H. 12; K. 1; F. 4; Moderate and hazy. H. 2; K. 2; Courses, South; Winds, SW b W. P. M. Brisk wind and thick weather. H. 4; K. 2. H. 6; K. 2; At 3h Lowered but without success. H. 8; K. 2; Winds, West. H. 10; K. 5; Courses, SE b E; At 6h Canoes returned with three seals. H. 12; K. 5. Latitude (Acc) 55°.53′ N. Longitude (Acc) 169°.6′ W. Barometer 30.20 30.12; 30.10.

Thursday 28th July, 1887. H. 2; K. 1; F. 4; Courses, NW; Winds, West; A. M. Brisk wind and thick weather throughout. H. 4; K. 1; F. 4. H. 6; K. 1; F. 4. H. 8; K. 1; F. 4; A few seals about, weather unfavorable for lowering the boats. H. 10; K. 4; Courses, ENE. H. 12; K. 4; H. 2; K. 1; F. 4; Courses, NW; P. M. Moderate breeze and gloomy weather. H. 4; K. 1; F. 4. H. 6; K. 1; F. 4; A schooner steering to the Southward. H. 8; K. 1; F. 4. H. 10; K. 2; F. 4; Courses SE b E. H. 12; K. 2; F. 4. Latitude (Acc) 55°.32′ N. Longitude (Acc) 168.13 W. Barometer 30.25; 30.30; 30.37.

Friday 29th July, 1887. H. 2; K. 1; F. 4; Courses, NW b W; Winds, SW; A. M. Moderate breeze and gloomy thick weather throughout. H. 4; K. 1; F. 4; Courses, South. H. 6; K. 1; F. 4; West, Courses. H. 8; K. 1; Winds, South; Very few seal visible from the vessel and weather unfavorable for hunting. H. 10; K. 3; Courses, East. H. 12; K. 1; F. 4; Same weather at noon. H. 2; K. 1; F. 4; Courses, South; Winds, WSW; P. M. Brisk and dark cloudy weather. H. 4; K. 1; F. 4. H. 6; K. 1; F. 4; H. 8; K. 1; F. 4; Courses, NW b W. H. 10; K. 1; F. 4; Fresh breeze and high sea. H. 12; K. 1; F. 4. Latitude (Acc) 55°.32′ N. Longitude (Acc) 167°.46′ W. Barometer 30.35; 30.30; 30.21.

Saturday 30th July, 1887. H. 2; K. 1; F. 4; Courses, South; Winds, WSW; A. M. Brisk gale and dark cloudy weather throughout. H. 4; K. 1; F. 4. H. 6; K. 1; F. 4. H. 8; K. 1; F. 4; Only a few seal visible from the vessel. H. 10; K. 1; F. 4; Sea too rough for lowering. H. 12; K. 1; F. 4; Noon Wore ship. H. 2; K. 1; F. 4; P. M. Strong breeze and cloudy. H. 4; K. 1; F. 4; H. 6; K. 1; F. 4; Decreasing wind. H. 8; K. 1; F. 4. H. 10; K. 1; F. 4. H. 12; K. 1; F. 4. Latitude (Acc) 55°14′ N. Longitude (Acc) 167°.26′ W. Barometer 30.27; 30.37;30.43.

Sunday 31st July, 1887. H. 2; K. 1; F. 4; Courses, South; Winds, SW; A. M. Moderate breeze and cloudy weather. H. 4; K. 1; F. 4. H. 6; K. 1; F. 4; Courses, WNW. H. 8; K. 1; F. 4; Lowered without success, only 3 seals. H. 10; K. 4; F. 4; Courses, NW b N. H. 12; K. 4; Cloudy with passing showers of drizziing rain. H. 2; K. 2; F. –; Courses, N. W b N. P. M. Fresh breeze and rainy weather. H. 4; K. 5; Courses, WbN; Winds, SW. H. 6; K. 5; Courses, West. H. 8; K. 5. H. 10 K. 4. H. 12; K. 3. Latitude (Obs) 55°.55′ N. Longitude (Obs) 167°.10′ W. Barometer 30.45; 30.40; 30.30.

Monday 1st August, 1887. H. 2; K. 3; Courses, SE; Winds, SW; AM Brisk wind and rainy weather. H. 4; K. 3. H. 6; K. 3; Foggy at times. H. 8; K. 3. H. 10; K. 4; Courses, WNW. H. 12; K. 4; Decreasing wind and cloudy. H. 2; K. 1; P. M. Light wind and cloudy. H. 4; K. 1; Lowered. H. 6; Courses, Calm; Catch this day 28 seals.

H. 8; Winds, North. H. 10; K. 1; F. 4. H. 12; K. 2; Midnight, light wind & fine weather. Latitude (Acc) 56°.8′ N. Longitude (Acc) 168°.15′ W. Barometer 30.20; 30.15; 30.15.

Tuesday 2nd August, 1887. H. 2; K. 2; Courses, NE; Winds, North; A M Light air and fine weather. H. 4; F. 4. H. 6; F. 4. H. 8; K. 1; Courses, SE; At 8 h lowered without success. H. 10; K. 4; At 10 h too much wind for hunting. Made sail shaped a Course to Southward. H. 12; K. 8; Courses, SSE; Winds, NW. H. 2; K. 8; P.M. Strong breeze and hazy weather. H. 4; K. 8. H. 6; K. 8; Saw a few seals from 6 h to 8 h. H. 8; K. 8; Winds, WNW; 8h Handed mainsail and Jibs. H. 10; K. 5; Winds, West; At 11h lying to under foresail. H. 12; K. 4–1; F. 4; Courses, SW. Latitude (Acc) 55° .46′; (Obs) 55° .50′. Longitude (Acc) 167° .55′ W; (Obs) 167° .49′ W. Barometer 30.07; 30 10; 30.15.

Wednesday, 3rd August, 1887. H. 2; K. 1; F. 4; Courses, South; Winds, SW; A. M. Moderate breeze and hazy. H. 4; K. 1; F. 4; Courses, W b N. H. 6; K. 1; F. 4; At 5h Lowered, Seals in sight. H. 8; K. 1; F. 4; Courses, South. H. 10; K. 1; F. 4. H. 12; K. 1; F. 4; Courses, WNW; Noon thick fog Canoes returned with 45 skins. H. 2; K. 3; Courses, NW b N; P. M. Moderate breeze and foggy at times. H. 4; K. 3; At 2h Lowered again. H. 6; K. 1; F. 4; Courses, WNW; Catch this day 51 seals. H. 8; K. 2. H. 10; K. 2; Passing showers of drizzling rain. H. 12; K. 2; Courses, West. Latitude (Acc) 54° .23′ N. Longitude (Acc) 167° .35′ W. Barometer 30.37; 30.45; 30.48.

Thursday 4th August, 1887. H. 2; K. 1; Courses, SE; Winds, South; A. M. Light winds and cloudy. H. 4; K. 1; Courses, West; H. 6; K. 2; Courses, South; Winds, ESE; At 6h Lowered. Wind light and small rain. H. 8; K. 3; Courses, SSE; H. 10; K. 2; Courses, SSE; Winds, East; At 10h Canoes returned. Wind having increased with short Jump of a sea, and heavy rain. H. 12; K. 2; Courses, NNE; Noon brisk wind and cloudy. H. 2; K. 2; Courses, South; P. M. Strong breeze and rain. H. 4; K. 3; At 4h W. Parker lowered & returned at 6h with 1 seal. H. 6; K. 1; F. 4; Courses, NE; Catch this day 41 seals. H. 8; K. 1; F. 4. H. 10; K. 1; F. 4; Midnight a steamer in sight steering SE. H. 12; K. 1; F. 4. Latitude (Acc) 54°.20′. Longitude (Acc) 167.40 W. Barometer 30.50; 30.47; 30.25.

Friday 5th August, 1887. H. 2; K. 1; Courses, NE; Winds, East; A. M. Light wind & fine weather. H. 4; K. 1; At 4.30 Lowered. Seal in sight. H. 6; K. 1; Courses, NW; Spoke Schooner "Allie I. Algar." H. 8; K. 1. H. 10; K. 1; At 10h one canoe returnd with 13 seals. H. 12; K. 1; Winds, SSW. H. 2; K. 1; P. M. Light wind fine weather. H. 4; K. 1. H. 6; K. 1; 6h Rain. H. 8; K. 1; Catch this day 131 Seals. H. 10; K. 1. H. 12; K. 1. Latitude (Acc) 54°.15′ N; (Obs) 54.15. Longitude (Obs) 167° .45′ W. Barometer 30.12 30.15; 30.17.

Saturday 6th August, 1887. H. 2; K. 1; Courses, SE; Winds, Southerly; A. M. Light wind and rainy weather throughout. H. 4; K. 1; Courses, SW;. H. 6; K. 1; Courses, SE; Very few seal in sight. Three Canoes & W. Parker lowered. H. 8; K. 1. H. 10; K. 1; Courses; SW; At 10h all canoes lowered. H. 12; K. 1; Noon rainy weather. H. 2; K. 1; P. M. Light variable wind & cloudy. H. 4; K. 1; Winds, NE; 4 Wind shifted to NE with heavy rain. H. 6; K. 1; Catch this day 42 seals. H. 8; K. 1; Winds, North. H. 10; K. 1; Courses, WSW. H. 12; K. 1; Winds, NW; Rainy weather. Latitude (Acc) 54°.18′ W. Longitude (Acc) 167°.50′ W. Barometer 30.19; 30.15; 30.98.

Sunday 7th August, 1887. H. 2; K. 1; Courses, SW; Winds, West; A. M. Strong breeze and rainy weather. H. 4; K. 1; 4h Clearing up. H. 6; K. 1: H. 8; K. 2; Courses, SE; Clear. H. 10; K. 2; Courses, East. H. 12; K. 2; Courses, East; Noon clear weather and fresh breeze. H. 2; K. 2; Courses, NNW; P. M. Moderate breeze and cloudy. H. 4; K. 3; At 4h lowered and caught 8 seals. H. 6; K. 1. H. 8; K. 1; Courses, West. H. 10; K. 1; Fine weather. H. 12; K. 1: Latitude (Acc) 54° .00 N. Longitude (Acc) 167°.8′ W. Barometer 30.00; 30.20; 30.37.

Monday 8th August, 1887. H. 2; K. 1; Courses, West; Winds, SW; A. M. Moderate breeze and cloudy. H. 4; K. 1; At 5h lowered H. 6; K. 1; Decreasing wind. H. 8; K. 1. H. 10; K. 1; A schooner in sight to the westward, supposed to be the "Allie I. Algar". H. 12. Noon Calm. P. M. Calm. Cruising. Catch this day 161 seals, which completed the first thousand. H. 8; Winds, Northerly. Midnight light wind. Latitude (Acc) 54° 20 N. Longitude (Acc) 167° 15′ W. Barometer 30.50; 30.50; 30.52.

Tuesday 9th August, 1887. A. M. Light wind and cloudy. Cruising. H. 4; Winds, Westerly. At 6h Lowered. Freshening wind and passing fogs. H. 12; A schooner in sight. P. M. Moderate breeze and fine weather. H. 6; Winds, WSW. Catch this day 64 seals. Latitude (Acc) 54° 10′ N. Longitude (Acc) 167° 30′ W. Barometer 30.52; 30.52; 30.55.

Wednesday 10 August, 1887. H. 2; Winds, SW; A. M. Light wind and cloudy. At 5h lowered. At daylight two schooners in sight in the west and one to the east which proved to be the "Vanderbilt". H. 10; Winds, SE. Noon light wind & fine weather. P. M. Moderate breeze and fine weather. Catch this day 76 seals. Calm. Latitude (Acc) 54°.20′ N Longitude (Acc) 167° .0′ W. Barometer 30.60; 30.60; 30.60.

Thursday 11th August, 1887. H. 2; Winds, Calm; A. M. Calm throughout with fine weather. At 5h Lowered. H. 10; Two schooners in sight to the northward. P. M. Calm and clear weather. H. 10; Winds, South. Light wind and foggy. Latitude (Acc) 54.25. Longitude (Acc) 166.40 W. Barometer 30.60; 30.52; 30.40.

Friday, 12th August, 1887. H. 2; Winds, Southerly; A. M. Light wind and rain at the beginning. 4 Thick fog. Sailing to the Eastward. H. 6; Winds, SW. At 10h Lowered. Noon light wind and hazy. P. M. Light wind dwindling down to calm and hazy weather. H. 6; winds, SSE. 4h Calm. Catch this day 90 skins. Midnight thick fog. Latitude (Acc) 54° .25′ N. Longitude (Acc) 166° .0 W. Barometer 30.50; 30.50; 30.52.

Saturday, 13th August, 1887. A. M. Calm, weather clearing up at 2h. At 4h 30m lowered. At 10h Strong breeze, Canoes returned with 26 seals. Made sail. H. 10; Winds, SE. Noon, brisk wind & clear, heavy tide rips. P. M. Fresh breeze and hazy weather. Working to Windward towards the Volcano near Ounimak pass. H. 10; Rainy weather. In flying Jib and mainsail. Latitude (Acc) 54° .40′ N. Longitude (Acc) 165° .30′ W. Barometer 30.46; 30.38; 30.30.

Sunday 14th August, 1887. H. 2; Winds, S E; A. M. Strong gale and foggy weather. At 4h Set mainsail & Jib, endeavoring to work in to the watering place, but were unable to owing to the strength of the wind. At noon wind moderating. P. M. At 1h Came to an anchorage under the Volcano. Indians and crew watering ship. At 8h weighed and made sail wind light and weather foggy. H. 8; Winds, W S W. H. 12; Winds, Calm. Latitude ——(At anchor near Ounimak pass). Barometer 30.22; 30.28; 30.32.

Monday 15th August, 1887. A. M. Very light wind and gloomy weather throughout. H. 4; Winds, N E. At 6h all boats away. 8h Foggy. At 10h Two canoes came alongside with 25 seals. Noon hazy. P. M. Begins with calm weather. H. 4; Winds W S W; Catch this day 169 seals. 8 Rainy weather. H. 12; Strong breeze and rainy. Volcano S E 12 miles. Barometer 30.30; 30.25; 30.18.

Tuesday 16th August, 1887. H. 2; Winds, W S W; A. M. Begins with brisk wind and dark gloomy weather. 7h Calm. 8h. Winds, Calm; All boats away. Noon calm and heavy swell from the west. P. M. Calm and clear weather. H. 6; Winds, S W; Increasing wind and thick weather. Catch this day 79 seals. H. 12; Midnight fresh breeze. Off the N end Ounimak. Barometer 30.15; 30.12; 30.12.

Wednesday, 17th August, 1887. H. 2; Winds, S W; A. M. Decreasing wind and thick weather. H. 6; Clear. All boats away. 12h Light wind and clear. P. M. Increasing wind and clear. At 4h Boats returned with 84 seals. H. 8; A schooner in sight to the Northward. In sight of Ounimak to the Southward. Barometer 30.15; 30.18; 30.25.

Thursday 18th August, 1887. H. 2; Winds, W S W; A. M. Fresh breeze and clear weather. Did not lower this day on account of the wind and sea. H. 10; A schooner in company beating to windward. Noon strong wind and hazy. P. M. Strong wind and clear weather. No boats out this day. Latitude: off Ounimak 20 miles. Barometer 30.30; 30.37; 30.41.

Friday 19th August, 1887. H. 2; Winds, W S W; A. M. Brisk wind and cloudy. At H. 6, 30m, All boats away. Noon Calm and clear weather. P. M. Calm at the beginning. Catch this day 123 seals. H. 10; Squally and rain. Latitude (Acc) 54°.50′ N. Longitude (Acc) 165.10 W. Barometer 30.45; 30.45; 30.45.

Saturday 20th August, 1887. H. 2; Winds, N W; A. M. Strong wind accompanied with squalls and showers throughout. H. 8; Did not lower this day. H. 12; Schooner "Allie I. Algar" in company. P. M. Strong breeze and squally. H. 8; Winds N N E. H. 12; Hazy. Latitude (Acc) 55°.5′ N. Longitude (Acc) 165°.30′ W. Barometer 30.40; 30.42; 30.50.

Sunday 21st August, 1887. H. 2; Winds, N N W; A. M. Fresh gale dark gloomy weather and high sea. No boats out this day. P. M. Wind and weather as above. Latitude (Acc) 55°.12′ N Longitude (Acc) 165.355′ W. Barometer 30.50; 30.50; 30.45

Monday 22nd August, 1887. H. 2; Winds, North; A. M. Brisk gale and cloudy with high sea. No boats out. H. 12; Foggy. P. M. Strong gale and hazy. Latitude (Acc) 55°.9′ N. Longitude (Acc) 165°.30′ W. Barometer 30.35; 30.25; 30.10.

Tuesday 23 August, 1887. H. 2; Winds, North; A. M. Begins with strong wind and gloomy weather. H. 6; A heavy sea running. H. 8; Decreasing wind and cloudy. Lowered at 9h. H. 10; Winds, N E. Noon light wind and cloudy. P. M. Light wind and cloudy. Catch this day 35 seals. H. 12; Thick foggy weather. Latitude (Acc) 54°.48′. Longitude (Acc) 166°.48′ W. Barometer 30.05; 30.05; 30.00.

Wednesday 24 August, 1887. H. 2; Winds, North; A. M. Moderate breeze and thick weather. H. 6; Thick fog at intervals. At 8h lowered. Noon fresh breeze and foggy. Catch this day 22 seals. Latitude (Acc) 54°.19′ N. Longitude (Acc) 166°.20. Barometer 29.95; 29.90.

[No. 4.—Washington, D. C. July 28, 1892.

L. G. Shepard,
[*Captain Revenue Marine.*]

THE FUR SEAL OF GUADALUPE ISLAND, OFF LOWER CALIFORNIA.

For many years it has been known that fur-seals breed at Guadalupe Island, where formerly large numbers were killed annually for their skins. Two thousand were secured as late as 1883, since which time small numbers have been taken nearly every year. Inasmuch as the Northern fur-seal (*Callorhinus ursinus*) is not known to breed south of the Pribilof Islands, but occurs in winter off the coast of northern California and passes north in the spring, it seemed important to determine the species of fur-seal inhabiting Guadalupe Island. For this purpose an expedition was sent to said island by the direction of Dr. C. Hart Merriam in May, 1892, in charge of Mr. C. H. Townsend, an assistant of the United States Fish Commission. Seven fur seals were seen near the island and one was shot by Mr. Townsend, but it sank before it could be recovered. The visit was made too early in the season to find the seals on the shore. A beach on Guadalupe Island was visited where it was known that a large number of fur seals had been killed a few years previously and four skulls were there obtained. We have carefully examined these skulls and find them to belong to a species of *Arctocephalus*, a very different kind of fur seal from that found in Bering Sea, the well known *Callorhinus ursinus*.

J. A. Allen.
Theo. Gill.
C. Hart Merriam.

LETTER FROM C. M. LAMPSON & CO.

LONDON, *64 Queen Street, E. C., June 13, 1892.*

F. W. FRIGOUT, Esq.,
Deputy Consul-General of the United States:

DEAR SIR: Referring to the conversation we had with you to day, we beg to inform you the averages of last year's catch of fur-seal skins are as follows:

	Per skin.
Alaska	125*s.* 4*d.*
Copper	68*s.* 6*d.*
Northwest Coast, at	53*s.* 3*d.*

Yours, truly,

C. M. LAMPSON & CO.

KINGDOM OF GREAT BRITAIN,
City of London, England, ss:

I, Francis W. Frigout, vice and deputy and acting Consul-General of the United States of America at London, England, do hereby certify that the signature "C. M. Lampson & Co." subscribed to the foregoing letter is the true and proper handwriting of Emil Tiechmann, a partner in said firm of C. M. Lampson & Co., a firm well and favorably known to me as the leading firm in the seal-skin industry of this city, and that to all acts so signed as the foregoing full faith and credit are and ought to be given in judicature and thereout.

In witness whereof I have hereunto set my hand and seal this 14th day of June, 1892.

[SEAL.]

FRANCIS W. FRIGOUT,
Vice and Deputy and Acting Consul-General.

THE BERING SEA DISPUTE: A SETTLEMENT.

By Sir GEORGE BADEN-POWELL, K. C. M. G., M. P.*

It is generally forgotten, however, that this question of seizure is, however great from an international point of view, a mere minor question to that of the industry itself. It is merely as to the lesser or greater extension of one State's authority over certain seas, but it does not affect and can not affect the whole of those seas. If the American case were conceded to-morrow in its entirety it would merely mean that "pelagic" sealers would not be permitted to fish north of the Aleutian Islands. This means that they would miss one-third of their present catch. But they would remain absolutely free to prosecute by every means in their power the capture of seals at sea over all the ocean to the south of these islands, where already they obtain two-thirds of their catch.

The owners of the islands complain that the "pelagic" sealers necessarily lose nine out of every ten seals they kill, and that 90 per cent of those they kill are females, mostly in pup. My careful local inquiries show both these complaints to be enormous exaggerations. But what I would here point out is that, in so far as they are true, in so far the owners of the rookeries, by pressing the one claim of jurisdiction within Bering Sea, and making all to hinge thereon, will absolutely free and incite these "pelagic" sealers to adopt even more vigorous methods of sealing than those in use at present. A cordon of sealing vessels in echelon, at the right moment, across the Unimack and other channels in the Aleutian Islands, could capture or scare most of the seals journeying to the Pribilof Islands, and this without so much as entering Bering Sea.

As I have said, this question of jurisdiction *in* Bering Sea is altogether a minor question, and even if won by or conceded to the owners of the rookeries would mean that free hand elsewhere to the "pelagic" sealers which might and would do far more injury to the whole industry than even the worst possibilities of the present indeterminate régime.

What I have insisted on is that, in the interests of all concerned, the question to be decided is industrial rather than political; the material issue is not what rights have each of the parties in international or conventional law, but rather what means are necessary to insure the continued prosperity of the industry. The pelagic sealers have undisputed and indisputable right over thousands of miles of ocean. The shore sealers have undisputed and indisputable right over the land and the waters adjacent thereto. The mere definition of a line of demarcation between the two, however interesting, does not settle the ques

* Extract from "The New Review," Vol. IV., No. 21, February, 1891, pp. 147–149.

tion of the preservation of the industry. What is needed is that all interested in this fishery, whether they take their seals on land or at sea, should come together to determine what dangers or risks are now being run, and how they may be avoided in the future.

Some such settlement is becoming more than ever necessary now, seeing that the question is daily assuming international dimensions. It is no longer a mere family bickering between Yankee and Britisher; no longer a mere means of twisting the British lion's tail for electioneering purposes. Russia, with her important breeding islands, frequented by probably one-half of the seals that travel up the British Columbia coast; Japan, with lesser breeding grounds but an increasing number of sealing vessels; Germany, with her enterprising citizens fitting out sealers; these and other nations are entering upon the field.

A sound general view must be taken. The area affected is wide. Effectively to protect the industry one would have to include all the Pacific Ocean and coasts thereof to the north of, say, latitude 50°. The territorial powers are China, Japan, Russia, the United States, and the British Empire. Germany and other powers are interested in the *usus* and *fructus* of these seas. The one complete remedy is international agreement resulting in international administration, with a view to the proper preservation of the fur seal. We have an admirable and successful precedent in our own North Sea, where, outside of territorial waters, various matters of police, even to the retailing of spirituous liquors, are administered by an international executive, and under laws set up by the mutual coöperation of all the States whose flags are to be found on the vessels engaged in those fisheries.

Such a settlement appeals to the common sense of all concerned. Sufficient material points and facts in the "natural history" of the case have now been gathered together and placed on record; sufficient is known on which to base an international agreement. A conference of the five or six powers interested could in four weeks, and well before the next fishing season opens in Bering Sea next July, determine on the outlines of such international administration as should best preserve the rights and interests of all at present engaged in the industry. Indeed, the outlines of such a settlement have already been drafted, and are such as would completely safeguard the permanent interests both of the "pelagic" and the "shore" sealers. It is a common-sense settlement for the good of all concerned. It will, therefore, commend itself to the people of the United States, of Canada, and of the United Kingdom; and the Governments of these countries, as well as of Russia, Japan, and Germany, will, without doubt, best realize the wishes and interests of their peoples by securing such a common-sense settlement of this troublesome Bering Sea dispute.

HISTORICAL

1875.			1876.			1877.			1878.			1879.			1880.			1881.			1882.		
	Br.	Am.		Br.	Am.		Br.	Am.		Br.	Am.		Br.	Am.		Br.	Am.		Br.	Am.		Br.	Am.
San Diego		1	San Diego		1				Favorite	1		Onward	1		A. Cashman		1	Anna B	1		Alfred Adams		
												Phœbe Fay		1	Anna Beck	1		Black Diamond	1		[illegible]		
															Alert	1		Czar		1	[illegible]		
															Champion		1	Favorite	1		[illegible]		
															Endora		1	Juanita	1		Kate		
															Favorite	1		Kate	1		Mary Ellen		
															Letitia		1	Mary Ellen	1		San Diego		
															Lottie		1	San Diego		1	Thornton		
															Mist		1	Thornton	1		Triumph		
															Onward	1		Triumph			Onward		
															San Diego		1	Onward			Winnifred		
															Teazer		1	Winnifred					
															Thornton	1							
															Three Sisters		1						
															Wanderer	1							
															Winnifred	1							

NUMBER OF VESSELS ENGAGED IN PELAGIC SEALING.

1875	1	1881	12	1887	47
1876	1	1882	15	1888	39
1877	.....	1883	13	1889	68
1878	1	1884	11	1890	61
1879	2	1885	15	1891	115
1880	16	1886	34	1892	122
Total	21	Total	100	Total	452

BERING SEA.—TABLE GIVING NAMES AND NATIONALITY OF VESSELS ENGAGED IN PELAGIC SEALING FROM 1875 TO 1892.

Am.	1882.			1883.			1884.			1885.			1886.			1887.				1888.	
		Br.	Am.		Br.	Am.		Br.	Am.		Br.	Am.		Br.	Am.		Br.	Am.	Ger.		
.....	Alfred Adams	1	.....	Alfred Adams	1	.....	Alfred Adams	1	.....	Alexander	.....	1	Active	1	.....	Active	1	.....	.....	Adele	
.....	Anna Beck	1	.....	Anna Beck	1	.....	Allie I. Alger	.....	1	Annie	.....	1	Alexander	.....	1	Ada	1	.....	.....	Alfred Adams	
1	Black Diamond	1	.....	Black Diamond	1	.....	Maggie Ross	1	.....	City of San Diego	.....	1	Alfred Adams	1	.....	Adele	.....	.....	1	Alexander	
.....	Dolphin	1	.....	Favorite	1	.....	Mary Ellen	1	.....	Ellen	.....	1	Allie I. Alger	.....	1	Alexander	.....	1	.....	Allie I. Alger	
.....	Favorite	1	.....	Kate	1	.....	Alexander	.....	1	Favorite	1	.....	Anna Beck	1	.....	Alfred Adams	1	.....	.....	Annie	
.....	Grace	1	.....	Mary de Leo	.....	1	Otter	.....	1	Grace	1	.....	Annie	.....	1	Allie I. Alger	.....	1	.....	Annie C. Moore	
.....	Juanita	1	.....	Mary Ellen	1	.....	San Diego	.....	1	Henrietta	.....	1	Black Diamond	1	.....	Anna Beck	1	.....	.....	Black Diamond	
1	Kate	1	.....	Laura	.....	1	Teresa	.....	1	Lookout	.....	1	Carolina	1	.....	Alpha	.....	1	.....	Challenge	
.....	Lookout	.....	1	Onward	1	.....	Thornton	1	.....	Mary Ellen	1	.....	Chas. G. Wilson	.....	1	Angel Dolly	.....	1	.....	Chas. G. Wilson	
.....	Mary Ellen	1	.....	San Diego	.....	1	Vanderbilt	.....	1	Otter	.....	1	City of San Diego	.....	1	Annie	.....	1	.....	City of San Diego	
.....	Mist	.....	1	Thornton	1	.....	W. P. Sayward	1	.....	San Diego	.....	1	Dolphin	1	.....	Black Diamond	1	.....	.....	Favorite	
.....	Onward	1	.....	W. P. Sayward	1	.....				Seventy-six	.....	1	Favorite	1	.....	Carolina	1	.....	.....	Halcyon	
	San Diego	.....	1	Winnifred	1	.....				Sierra	.....	1	Grace	1	.....	Challenge	.....	1	.....	Juanita	
	Thornton	1	.....							Vanderbilt	.....	1	Helen Blum	.....	1	Chas. G. Wilson	.....	1	.....	Laura	
	Winnifred	1	.....							W. P. Sayward	1	.....	Kate	1	.....	City of San Diego	.....	1	.....	Lily	
													Laura	.....	1	Discovery	1	.....	.....	Maggie Mac	
													Lookout	.....	1	Dolphin	1	.....	.....	Mary Ellen	
													Mary Ellen	1	.....	Ellen	.....	1	.....	Mary Taylor	
													Mary Taylor	1	.....	Favorite	1	.....	.....	M. H. Thomas	
													Mountain Chief	1	.....	Grace	1	.....	.....	Molly Adams	
													Onward	1	.....	Helen Blum	.....	1	.....	Mountain Chief	
													Otter	.....	1	Juanita	1	.....	.....	Olson	
													Pathfinder	1	.....	Kate	1	.....	.....	Oscar & Hattie	
													Penelope	1	.....	Kate & Anna	.....	1	.....	Otter	
													Rustler	1	.....	La Ninfa	.....	1	.....	O. S. Fowler	
													San Diego	.....	1	Letitia	1	.....	.....	Pathfinder	
													Sierra	1	.....	Lily L	.....	1	.....	Penelope	
													Sylvia Handy	.....	1	Lookout	.....	1	.....	Rosa Lee	
													Teresa	1	.....	Lottie	.....	1	.....	Rosie Olsen	
													Thornton	1	.....	Lottie Fairfield	1	.....	.....	Sadie Clyde	
													Triumph	1	.....	Mary Ellen	1	.....	.....	San Diego	
													Twilight	1	.....	Mary Taylor	1	.....	.....	San José	
													Vanderbilt	1	.....	Mountain Chief	1	.....	.....	Sapphire	
													W. P. Sayward	1	.....	Otter	.....	1	.....	Triumph	
																Onward	1	.....	.....	Undaunted	
																Pathfinder	1	.....	.....	Vanderbilt	
																Penelope	1	.....	.....	Viva	
																Rose Sparks	.....	1	.....	Walter A. Rich	
																Rustler	1	.....	.....	Webster	
																San Jose	.....	1	.....		
																Sylvia Handy	.....	1	.....		
																Teresa	1	.....	.....		
																Thornton	1	.....	.....		
																Triumph	1	.....	.....		
																Vanderbilt	1	.....	.....		
																Wanderer	1	.....	.....		
																W. P. Sayward	1	.....	.....		

DISTRICT OF COLUMBIA, *City of Washington, ss:*

George L. Scarborough, being duly sworn, deposes
Department of State; the annexed table, compiled by
the nationality of the same for each year since the ce
has been received by the said Department; the data
of the State, Treasury, and Navy Departments of the
officials of the Alaska Commercial Company, informati
reports of the Department of Fisheries of the Dominio

Sworn and subscribed to before me this 3d day of
[SEAL.]

FROM 1875 TO 1892.

	1887.			1888.				1889.				1890.				1891.				1892.			
	Br.	Am.	Ger.		Br.	Am.	Ger.		Br.	Am.	Ger.		Br.	Am.	Ger.		Br.	Am.	Nationality unknown.		Br.	Am.	Nationality unknown.
	1			Adele			1	Adele			1	Adele			1	Adele			1	Active	1		
	1			Alfred Adams	1			Alexander		1		Allie I. Alger		1		Ainoko	1			Agnes McDonald	1		
			1	Alexander		1		Allie		1		Annie		1		Albert Walker		1		Ainoko	1		
ler		1		Allie I. Alger		1		Allie I. Alger		1		Annie C. Moore	1			Alexander		1		Albert Walker		1	
Adams	1			Annie		1		Annie		1		Argonaut	1			Allie I. Alger		1		Alexander		1	
Alger		1		Annie C. Moore	1			Annie C. Moore	1			Ariel	1			Annie C. Moore	1			Allie I. Alger		1	
ck	1			Black Diamond	1			Ariel	1			Aurora	1			Annie E. Paint	1			Anaconda		1	
		1		Challenge		1		Aurora	1			Beatrice	1			Annie Harley		1		Annie C. Moore	1		
Dolly		1		Chas. G. Wilson		1		Beatrice	1			Bessie Rutter		1		Arctic			1	Annie E. Paint	1		
		1		City of San Diego		1		Bessie Rutter		1		C. G. White		1		Ariel	1			Ariel	1		
Diamond	1			Favorite	1			Black Diamond	1			C. H. Tupper	1			Aurora	1			Arietas			1
a	1			Halcyon		1		Challenge		1		C. H. White	1			Beatrice			1	Aurora	1		
ge		1		Juanita	1			C. H. Tupper	1			City of San Diego		1		Beatrice	1			Beatrice	1		
. Wilson		1		Laura		1		City of San Diego		1		E. B. Marvin	1			Beaver		1		Beatrice	1		
San Diego		1		Lily	1			Czar		1		Favorite	1			Bessie Rutter		1		Bessie Reuter		1	
ry	1			Maggie Mac	1			Dolphin	1			Finland	1			Brentensan			1	Borealis	1		
	1			Mary Ellen	1			E. E. Webster		1		Geo. H. Chance		1		Borealis	1			Bowhead		1	
		1		Mary Taylor	1			Favorite	1			Geo. R. White		1		Canoe	1			Brenda	1		
e	1			M. H. Thomas		1		Grace	1			Harry Davis		1		Carlotta G. Cox	1			Carmolite	1		
	1			Molly Adams		1		Helen Blum		1		Helen Blum		1		Carmolite	1			Casco		1	
lum		1		Mountain Chief	1			Henry Dennis		1		Henry Dennis		1		C. C. Perkins		1		C. C. Perkins		1	
	1			Olson		1		James G. Swan		1		Herman		1		C. D. Rand	1			C. D. Rand	1		
	1			Oscar & Hattie	1			Jas. Hamilton Lewis		1		Jas. Hamilton Lewis		1		C. G. White		1		C. G. White		1	
Anna		1		Otter		1		Jeanie		1		Juanita	1			Challenge		1		Challenge		1	
a		1		O. S. Fowler	1			Juanita	1			Kate	1			Chackerwack	1			Carlotta G. Cox	1		
	1			Pathfinder	1			Kate	1			Kate and Amy		1		Chas. G. Wilson		1		C. H. Tupper	1		
		1		Penelope	1			Laura	1			Kate Ann		1		C. H. Tupper	1			C. H. White		1	
t		1		Rosa Lee	1			Letitia	1			Katherine	1			C. H. White		1		City of San Diego		1	
		1		Rosie Olsen	1			Lily	1			Letitia	1			City of San Diego	1			Clara		1	
Fairfield	1			Sadie Clyde	1			Lily	1			Lily	1			C. R. White	1			Dawn	1		
lton	1			San Diego		1		Lily L		1		Lily L		1		Diana		1		Dora Sayward			1
aylor	1			San José	1			Lottie		1		Maggie Mac	1			E. B. Marven	1			E. B. Marven	1		
in Chief	1			Sapphire	1			Maggie Mac	1			Mary Ellen	1			E. E. Webster		1		E. E. Webster		1	
		1		Triumph	1			Maggie Ross	1			Mary Taylor	1			Emma Louisa		1		E. F. Robbins		1	
	1			Undaunted		1		Maria de las Cruzes	1			Mattie T. Dyer		1		Eliza Edwards	1			Eliza Edwards	1		
ler	1			Vanderbilt		1		Mary Ellen	1			Minnie	1			Emmet Felix		1		Emma and Louise		1	
e	1			Viva	1			Mary H. Thomas		1		Mountain Chief	1			Ethel		1		Emmet Felix		1	
arks		1		Walter A. Rich		1		Mary Taylor	1			Nellie Martin		1		Favorite	1			Enterprise	1		
	1			Webster		1		Minnie	1			Ocean Belle	1			F. F. Feeney		1		Favorite	1		
e		1						Molly Adams		1		Otter		1		Foam		1		Fawn	1		
Handy		1						Mountain Chief	1			Pathfinder	1			Geneva	1			Garcia		1	
	1							Newton		1		Penelope	1			Geo. R. White		1		Geneva	1		
n	1							Olson		1		Rambler		1		Hattie Gage		1		Geo. R. White		1	
h	1							Oscar & Hattie	1			Rosie Olsen		1		Helen Blum		1		Helen			1
ilt	1							Oscar Walter		1		San Diego		1		Henrietta	1			Helen Blum		1	
er	1							O. S. Fowler		1		San José		1		Henry Dennis		1		Henrietta	1		
ayward	1							Otter		1		Sapphire	1			Herman		1		Henry Dennis		1	
								Pathfinder	1			Sea Lion	1			Jas. G. Swan		1		Herman		1	
								Parker		1		Sierra	1			Jas. Hamilton Lewis		1		Idler		1	
								Penelope	1			Sophie Sutherland		1		Jeannie		1		Ivanhoe		1	
								San Diego		1		Teaser		1		Jessie H. Freeman		1		Jas. G. Swan		1	
								San José		1		Teresa	1			John Hancock		1		Kate	1		
								Sapphire	1			Triumph	1			Juanita	1			Kate and Ann		1	
								Sierra	1			Umbrina	1			Kate	1			Katherine	1		
								Sylvia Handy		1		Venture	1			Kate and Amy		1		Labrador	1		
								Teazer		1		Venture	1			Katherine	1			La Ninfa		1	
								Teresa	1			Viva	1			Labrador	1			Laura	1		
								Triumph	1			Walter Rich	1			La Ninfa		1		Laura Pike		1	
								Undaunted		1		Wanderer	1			Laura	1			Letitia	1		
								Vanderbilt		1		White		1		Leo		1		Libbie	1		
								Venture		1		W. P. Sayward	1			Letitia	1			Lily	1		
								Viva	1							Lidy	1			Lily L		1	
								Walter L. Rich		1						Lily	1			Lottie		1	
								Wanderer	1							Lily L	1			Louis Olsen		1	
								Winnifred	1							Lizzie Derby		1		Lydia			1
								W. P. Sayward	1							Lizzie Paine	1			Maggie Mac	1		
								Toronto	1							Lottie		1		Maria	1		
								Brabrier	1							Louis Olsen		1		Martha	1		
																Maggie Mac	1			Mary			1
																Margarite		1		Mary Brown		1	
																Martha	1			Mary Ellen	1		
																Mary Ellen	1			Mary Parker		1	
																Mary Gilbert		1		Mary Taylor	1		
																Mary Parker		1		Mascot	1		
																Mary Taylor	1			Mattie T. Dyer		1	
																Mascot	1			Maud S	1		
																Mattie T. Dyer		1		Max Belle	1		

| | | |



WEATHER BUREAU TABLES.

UNITED STATES OF AMERICA,
DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 13, 1892.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the *annexed tables* of *climatic data* have been compiled from the original records of observation made by an *observer* of *the Signal Service*, United States Army, *stationed on* the *Island of St. Paul, Bering Sea*, during the period of time covered by the tables, and that said tables of climatic data are true compilations from the original records of observation now in the possession of the Weather Bureau.

MARK W. HARRINGTON,
Chief of Weather Bureau.

Be it known that Mark W. Harrington, who signed the foregoing certificate, is the chief of the Weather Bureau, and that to his attestation as such full faith and credit are and ought to be given.

In witness whereof I have hereunto set my hand, and caused the seal of the Department of Agriculture to be affixed, on this 13th day July, 1892.

[SEAL.]

J. M. RUSK,
Secretary of Agriculture.

Mean temperature (degrees F.) at St. Paul Island, Bering Sea, Alaska.

[Latitude 57° 10′ N., longitude 170° 01′ W.; elevation, 30 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1872	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1873	15.7	18.6	12.6	23.9	30.5	37.5	43.0	46.5	41.0	37.8	32.4	29.9	31.0
1874	29.9	33.5	33.0	34.5	39.0	44.4	49.1	50.8	47.3	40.2	37.8	33.3	39.4
1875	34.9	35.3	29.0	28.9	34.2	42.0	47.0	47.9	46.0	41.7	34.9	26.2	37.3
1876	31.4	16.5	23.0	26.2	32.7	38.7	43.2	43.3	.....	.....	33.1	20.4	.....
1877	13.2	3.0	25.4	25.4	32.5	39.4	42.9	45.8	41.0	36.6	33.6	28.1	29.7
1878	17.7	8.2	16.4	24.9	30.6	39.9	45.1	47.5	45.9	34.7	29.7	29.6	30.5
1879	30.0	23.4	25.1	28.3	34.1	.....	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	*39.9	44.3	48.5	46.7	42.4	36.2	27.1	.....
1882	32.1	23.7	28.3	32.0	35.2	41.8	46.9	47.4	44.5	40.3	33.7	22.4	35.7
1883	30.2	26.0	19.9	21.5	34.6	.....	.....	.....	.....	.....	.....	.....	.....
Sums	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Means	26.1	20.9	23.6	27.3	33.7	40.4	45.2	47.2	44.9	39.1	32.7	26.5	34.0

* Twenty-six days.

REMARKS.—The mean temperature was obtained from the observations made at 7 a. m., 2 and 9 p. m., after the formula $\frac{1}{4}(7+2+9+9)$.

Maximum temperature (F.) at St. Paul Island, Bering Sea, Alaska.

[Latitude 57° 10′ N., longitude 170° 01′ W.; elevation, 30 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
1872									52	45	41	36	
1873	34	34	35	35	41	47	52	55	49	46	41	40	
1874	37	40	42	45	52	57	58	62	56	48	45	40	
1875	42	44	40	41	47	51	57	55	52	50	45	39	
1876	39	36	41	43	42	53	54	51			38	35	
1877	36	33	36	37	43	51	54	58	51	47	39	35	
1878	35	34	39	40	42				54	45	40	39	
1879	37	36	38	39	47								
1880													
1881						*51	57	56	53	50	43	42	
1882	38	39	38	42	50	52	59	55	54	49	42	36	
1883	36	39	38	37	46								
Sums													
Means													

* Twenty-six days.

Minimum temperature (F.) at St. Paul Island, Bering Sea, Alaska.

[Latitude, 57° 10′ N.; longitude, 170° .01′ W.; elevation, 30 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1872									33	22	23	4	
1873	−11	−12	− 7	3	19	28	36	39	35	31	23	12	
1874	8	19	19	21	25	34	42	44	39	32	26	22	
1875	19	21	12	17	25	34	39	43	41	33	28	15	
1876	23	8	3	5	22	30	35	38			15	− 7	
1877	−17	−22	5	8	23	30	37	40	33	25	17	5	
1878	−10	−21	−13	3	20	31	39	40	33	29	18	11	
1879	18	− 1	10	7	19								
1880													
1881						*35	35	45	38	32	32	18	
1882	19	3	13	10	19	31	39	41	34	31	22	4	
1883	13	8	− 9	−1	27								
Sums													
Means													

* Twenty-six days.

REMARKS.—Minus sign (−) indicates temperature below zero.

Actual number of clear days at St. Paul Island, Bering Sea, Alaska.

[Latitude, 57° 10′ N.; longitude, 170° 01′ W.; elevation, 30 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1873						0	0	0	1	0	1	1	
1874	1	1	1	1	1	0	0	0	2	1	2	0	10
1875	3	4	1	3	4	0	2	0	1	0	2	0	20
1876	1	9	4	4	0	0	0	0			3	3	
1877	4	10	2	2	0	1	0	0	0	1	2	4	26
1878	8	10	6	0	1	2	1	0	0	1	0	3	32
1879	1	6	3	0	0								
1880													
1881						*0	2	0	0	1	1	1	
1882	1	1	7	5	0	0	0	0	0	0	0	0	14
1883	0	1	0	0	0								
Sums	19	42	24	15	6	3	5	0	4	4	11	12	
Means	24	5.2	3.0	1.9	0.8	0.4	0.6	0	0.6	0.6	1.4	1.5	18.4

* Twenty-six days.

REMARKS.—A "clear" day has no clouds or less than 0.3 clouds.

Actual number of fair days at St. Paul Island, Bering Sea, Alaska.

[Latitude, 57° 10′ N.; longitude, 170° 01′ W.; elevation, 30 to 50 feet.]

Year	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1873	.....	.....	.....	.....	.....	7	2	3	8	9	8	11	.....
1874	10	10	9	9	14	4	1	7	13	15	14	20	126
1875	16	8	11	10	8	1	9	4	15	9	7	19	117
1876	20	12	13	6	6	7	1	2	.....	.....	17	6	.....
1877	14	10	4	8	6	4	0	5	15	8	15	7	96
1878	12	10	13	14	11	5	4	8	9	15	16	12	129
1879	21	12	14	11	7	.....	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	*4	3	0	7	5	10	14	.....
1882	8	10	15	12	2	5	2	0	1	2	6	7	70
1883	2	18	16	20	11	.....	.....	.....	.....	.....	.....	.....	.....
Sums	103	90	95	90	65	37	22	29	68	63	93	96	.....
Means	12.9	11.2	11.9	11.2	8.1	4.6	2.8	3.6	9.7	9.0	11.6	12.0	108.6

*Twenty-six days.

REMARKS.—A "fair" day has from 0.3 to 0.7 clouds,

Actual number of cloudy days at St. Paul Island, Bering Sea, Alaska.

[Latitude, 52° 20′ N.; longitude, 170° 01′ W.; elevation, 30 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1873	.....	.....	.....	.....	.....	23	29	28	21	22	21	19	.....
1874	20	17	21	20	16	26	30	24	15	15	14	11	229
1875	12	16	19	17	19	29	20	27	14	22	21	12	228
1876	10	8	14	20	25	23	30	29	.....	.....	10	22	.....
1877	13	8	25	20	25	25	21	26	15	22	14	20	244
1878	11	8	12	16	19	23	26	23	21	15	14	16	204
1879	9	10	14	19	24	.....	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	*22	26	31	23	25	19	16	.....
1882	22	17	9	13	29	25	29	31	29	29	24	24	281
1883	29	9	15	10	20	.....	.....	.....	.....	.....	.....	.....	.....
Sums	126	93	129	135	177	196	221	219	138	150	137	140	.....
Means	15.7	11.6	16.1	16.9	22.1	24.5	27.6	27.4	19.7	21.4	17.1	17.5	237.6

*Twenty-six days.

REMARKS.—A "cloudy" day has from 0.8 to 0.10 clouds.

Cloudiness, expressed in percentages, at St. Paul Island, Bering Sea, Alaska.

[Latitude, 57° 10′ N.; longitude, 170° 1′ W.; elevation, 30 to 50 feet.]

Years.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1872	.....	.....	.....	.....	.....	.....	.....	.....	92	85	79	84	.....
1873	63	74	68	73	94	87	96	95	83	90	83	82	82.3
1874	84	80	83	84	76	93	97	82	75	78	73	72	81.4
1875	74	78	83	71	77	95	80	93	76	84	77	73	80.1
1876	71	54	70	78	89	89	98	96	.....	.....	66	84	.....
1877	67	47	86	83	90	92	98	93	76	83	72	76	80.2
1878	58	49	63	81	82	84	89	88	82	76	74	74	75.0
1879	72	65	70	82	89	.....	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	92	87	98	91	87	89	79	.....
1882	82	79	57	66	97	91	98	99	98	96	92	90	87.1
1883	91	74	78	75	84	.....	.....	.....	.....	.....	.....	.....	.....
Sums	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Means	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

*Twenty-six days.

REMARKS.—The percentage of cloudiness was obtained from the eye estimates of the observer, recorded on a scale of 0 to 10 at each observation. The mean of all observations was used as the mean for the day. One hundred per cent represents a sky completely overcast.

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